

Notice of meeting and agenda

Development Management Sub-Committee of the Planning Committee

10:00am, Wednesday 1 August 2018

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

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1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **10.00am on Monday 30 July 2018** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Minutes

- 3.1 Development Management Sub-Committee of 23 May 2018 (circulated) - submitted for approval as a correct record.
- 3.2 Development Management Sub-Committee of 20 June 2018 (circulated) - submitted for approval as a correct record.

4. General Applications, Miscellaneous Business and Pre-Application Reports

The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1

- 4.1 Bonnington Mains Quarry, Cliftonhall Road, Newbridge - Section 42 application for proposed variation to conditions 5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4 September 1990) to amend noise + vibration limits, postpone submission of final restoration plan + clarify period for completion of all mineral operations to 31 December 2050 - application no 17/05930/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.2 34 Canaan Lane, Edinburgh - Creation of a door opening on the rear boundary wall to Jordan Lane - application no 18/01609/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.3 16 Cumberland Street South East Lane, Edinburgh - Erection of a new dwelling house on vacant plot (as amended) - application no 18/01091/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.4 3 Inverleith Place Lane, Edinburgh - Addition of roof terrace to existing flat room with frameless glass balustrade and privacy screen to rear elevation. Proposed introduction of new internal link stair suspended over existing staircase at first floor level - application no 18/01271/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.5 8A Milton Road West, Edinburgh - Redevelopment of site to create a mixed-use development comprising of a smaller food retail unit and 11 no new build flats and installation of a new shopfront - application no 18/00454/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.6(a) 46 Park Road, Edinburgh - Proposed alterations, extension and new works to existing building to create 4 residential dwellings (as amended) - application no 18/01355/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.6(b) 46 Park Road, Edinburgh - Alterations and extensions to original villa and alternations to entrance gate - application no 18/01357/LBC - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.7 2 Sir Harry Lauder Road (at advertising station 2), Edinburgh - Display of double sided internally illuminated digital advertisement hoarding - application no 18/01230/ADV - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.8 Waverley Bridge, Edinburgh - Application for advert consent - application no - 18/01666/ADV at bus shelters, Waverley Bridge, Edinburgh new shelter location comprising of double side LCF unit- report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.9 Waverley Bridge, Edinburgh - Application for advert consent - application no - 18/01667/ADV at bus shelters, Waverley Bridge, Edinburgh new shelter location comprising of double side LCF unit- report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.10 Westfield Road, Edinburgh - Application for advert consent at advertising station, internally illuminated digital display - application no 18/01638/ADV- report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

5. Returning Applications

These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

- 5.1 None.

6. Applications for Hearing

The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Strategy and Insight sets out the procedure for the hearing.

- 6.1 None.

7. Applications for Detailed Presentation

The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.

- 7.1 35 Lanark Road, Edinburgh - Demolition of existing buildings and erection of purpose build student accommodation including change of use and all associated works (as amended) - application no 16/06275/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 7.2 189 Morrison Street, Edinburgh, - Amendment to 10/02373/FUL to enable changes to buildings H1, H2, H3, H4 & H5 (as amended). application no - 18/00715/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

8. Returning Applications Following Site Visit

These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

8.1 None.

Laurence Rockey

Head of Strategy and Insight

Committee Members

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Dixon, Gordon, Griffiths, McLellan, Mitchell, Mowat, Osler and Staniforth.

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and usually meets twice a month. The Sub-Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

A summary of the recommendations on each planning application is shown on the agenda. Please refer to the circulated reports by the Chief Planning Officer or other Chief Officers for full details. Online Services – planning applications can be viewed online by going to [view planning applications](#) – this includes letters of comments received.

The items shown in part 6 on this agenda are to be considered as a hearing. The list of organisations invited to speak at this meeting are detailed in the relevant Protocol Note. The Development Management Sub-Committee does not hear deputations.

The Sub-Committee will only make recommendations to the full Council on these applications as they are major applications which are significantly contrary to the Development Plan.

If you have any questions about the agenda or meeting arrangements, please contact Committee Services, City of Edinburgh Council, Business Centre 2:1, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG, 0131 529 4210, email committee.services@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to <http://www.edinburgh.gov.uk/cpol>.

Webcasting of Council Meetings

Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site, at the start of the meeting the Convener or the Clerk will confirm if all or part of the meeting is being filmed.

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If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services on 0131 529 4210.

Item 3.1 – Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 23 May 2018

Present:

Councillors Gardiner (Convener), Booth, Dixon, Gordon, Graczyk, Mitchell, Mowat, Osler and Staniforth.

1. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Section 4, 5, 7 and 8 of the agenda for the meeting.

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda item 4.2 – 42(a) Alvaney Terrace, Edinburgh as requested by Councillor Osler.

Requests for Hearings

Councillors Hutchison, Lang, Young and Work as local ward member had requested that a hearing be held to consider agenda item 4.9 – 597 Queensferry Road, Edinburgh.

Councillor Gardiner and Ward Councillor Whyte had requested that a hearing be held to consider agenda item 7.2 – 72 Henderson Row, Edinburgh.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

Declaration of Interest

Councillor Mowat declared a non-financial interest in item 7.2 – 42 Henderson Row, Edinburgh – as she was a parent of a child at Edinburgh Academy, left the room and took no part in consideration of the item.

Councillor Osler declared a non-financial interest in item 7.2 – 42 Henderson Row, Edinburgh – as she was a parent of a child at Edinburgh Academy and was invigilator at the SQA exams, left the room and took no part in consideration of the item.

Councillor Mitchell declared a non-financial interest in item 7.2 - 42 Henderson Row, Edinburgh - as he was a former pupil at Edinburgh Academy.

Councillor Dixon declared a financial interest in item 5.1 – Saltire Street, Edinburgh – as he owned a property in the development, left the room and took no part in consideration of the item.

2. 139 Craigleith Road, Edinburgh

Details were provided of proposals for the change of use from petrol filling station to residential. Erection of eight 3 storey new build dwellings with private parking on site (as amended) at 139 Craigleith Road, Edinburgh – application no 18/00390/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the applications be granted.

Motion

To grant planning permission subject to:

- 1) Conditions, informatives and a legal agreement as detailed in the report by the Chief Planning Officer.
- 2) Details of the raised planter as submitted should be approved by the planning authority prior to the development being occupied.
 - moved by Councillor Gordon, seconded by Councillor Gardiner.

Amendment

To refuse planning permission for the reasons that the proposal was contrary to the LDP Planning DES 4 (Development Design – Impact on Setting)..

- moved by Councillor Osler, seconded by Councillor Mitchell.

Voting

For the motion: 7 votes

(Councillors Dixon, Gardiner, Gordon, Graczyk, Griffiths, Mowat and Staniforth)

For the amendment: 2 votes

(Councillors Mitchell and Osler.)

Decision

To grant planning permission subject to:

- 1) Conditions, informatives and a legal agreement as detailed in the report by the Chief Planning Officer.
- 2) Details of the raised planter as submitted should be approved by the planning authority prior to the development being occupied.

(Reference – report by the Chief Planning Officer, submitted)

3. 597 Queensferry Road, Edinburgh

Details were provided of proposals for the demolition of existing house and garage and erection of six new terraced townhouses at 597 Queensferry Road, Edinburgh - application no 18/01100/FUL

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the applications be granted.

Councillors Hutchison, Lang, Young and Work as local ward member had requested that a hearing be held to consider the application.

Decision 1

To decline the request to hold a hearing and to determine the matter at the present meeting of the Sub-Committee.

Motion

To grant planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Chief Planning Officer

- moved by Councillor Mowat, seconded by Councillor Griffiths.

Amendment

To refuse planning permission as the proposals were contrary to Local Development Plan Policies DES 1 (Design Quality and Context) and DES 4 (Development Design – Impact on Setting).

- moved by Councillor Dixon, seconded by Councillor Gordon.

Voting

For the motion - 4 votes

(Councillors Graczyk, Griffiths, Mitchell and Mowat).

For the amendment - 5 votes

(Councillors Dixon, Gardiner, Gordon, Osler and Staniforth.)

Decision 2

To refuse planning permission as the proposals were contrary to Local Development Plan Policies DES 1 (Design Quality and Context) and DES 4 (Development Design – Impact on Setting).

(Reference – report by the Chief Planning Officer, submitted)

4. 33 Pinkhill, Edinburgh

The Sub-Committee had previously continued consideration of the matter for a site visit.

Details were provided of the demolition of existing office building and development of 51 apartments (scheme 2) at 33 Pinkhill, Edinburgh – application no 17/03433/FUL

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the applications be granted.

Motion

To grant planning permission subject to:

- 1) Conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Chief Planning Officer.
- 2) An additional informative for the provision of a car club space.
 - moved by Councillor Dixon, seconded by Councillor Gordon.

Amendment

To refuse the application as the proposal was contrary to Local Development Plan Policy Des 4 (Development Design – Impact on Setting.)

- moved by Councillor Osler, seconded by Councillor Staniforth.

Voting

For the motion: 3 votes
(Councillors Dixon, Gordon and Griffiths.)

For the amendment: 4 votes
(Councillors Gardiner, Mitchell, Osler and Staniforth.)

Decision

To refuse the application as the proposal was contrary to Local Development Plan Policy Des 4 (Development Design – Impact on Setting.)

(References – Development Management Sub-Committee of the Planning Committee 9 May 2018 (item 1); report by the Chief Planning Officer, submitted)

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>Item 4.1 - 1 Bath Road Edinburgh</p>	<p>Forthcoming application by BDW Trading Ltd for a proposed residential development with commercial units and associated landscape, drainage, roads and infrastructure</p>	<p>To note the key considerations.</p>
<p>Item 4.2(a) - 2 - 4 Alvanley Terrace Edinburgh</p>	<p>Extension to rear of property to form staff room – application no 17/05921/FUL</p>	<p>To GRANT planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer</p>
<p>Item 4.2(b) - 2 - 4 Alvanley Terrace Edinburgh</p>	<p>Extension to rear of property to form staff room - application no 17/05921/LBC</p>	<p>To GRANT listed building consent subject to informatives as detailed in section 3 of the report by the Chief Planning Officer</p>
<p>Item 4.3 - 3f1 14 Fountainhall Road Edinburgh</p>	<p>Convert attic, create new dwelling & alter existing flat – application no 17/05518/FUL</p>	<p>To GRANT planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer</p>
<p><u>Item 4.4 - Frederick Street Edinburgh</u></p>	<p>Upgrade comprising double sided LCD unit at one end of bus shelter– application no 18/01024/ADV</p>	<p>To GRANT advertisement consent subject to conditions and reasons as detailed in section 3 of the report by the Chief Planning Officer</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.5 - Frederick Street Edinburgh</u>	Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter - application no 18/01027/ADV	To GRANT advertisement consent subject to conditions and reasons as detailed in section 3 of the report by the Chief Planning Officer
Item 4.6 - 43 Kilngate Brae Edinburgh	Proposed front, side and rear extensions and alterations to existing house - application no 18/00408/FUL	To GRANT planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer
Item 4.7 - 13 Lauder Road Edinburgh	Extension to rear of property. Extend north western wing to front. Demolish existing lean-to shed. Internal alterations (as amended) - application no 17/06051/FUL	To GRANT planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer Dissent Councillor Booth requested that his dissent be recorded in respect of this application.
Item 4.8 - 69 Marionville Road Edinburgh	Advertisement of the following types: Two illuminated hoarding signs (digital) - application no 18/01187/ADV	To note the application had been withdrawn

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 4.9 - 597 Queensferry Road Edinburgh	Demolition of existing house and garage and erection of six new terraced townhouses - application no 18/01100/FUL	<p>1. To decline the request to hold a hearing and to determine the application at the present meeting of the Sub-Committee.</p> <p>2. To REFUSE planning permission as the proposals were contrary to Local Development Plan Policies DES1 and DES 4.</p> <p>(On a division.)</p>
Item 4.10 - 90 Salamander Place Edinburgh	Advertisement of the following types: Two illuminated hoarding signs - application no 18/01173/ADV	To GRANT advertisement consent subject to conditions, reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer
Item 4.11 - 3f2 100 Thirlestane Road Edinburgh	Internal alterations and creation of new dwelling at existing attic level - application no 17/05520/FUL	To GRANT planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer
Item 5.1 - Saltire Street Edinburgh	Proposed residential development and associated infrastructure (as amended) - application no 17/02477/FUL	To REFUSE application as the proposal was contrary to Local Development Plan Policy Dev 1.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 7.1 - 139 Craigleith Road Edinburgh	Change of use from petrol filling station to residential. Erection of eight 3 storey new build dwellings with private parking on site (as amended) – application no 18/00390/FUL	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1. Conditions, informatives and a legal agreement as detailed in the report by the Chief Planning Officer 2. Details of the raised planter as submitted shall be approved by the planning authority prior to the development being occupied. <p style="text-align: center;">(On a division)</p>
Item 7.2(a) - 42 Henderson Row Edinburgh	Extensions to existing science centre and library buildings to provide linked additional teaching and learning space and a multi-purpose hall – application no 18/00563/FUL	To CONTINUE consideration of the matter for a hearing
Item 7.2(b) - 42 Henderson Row Edinburgh	External alterations to the existing library and east perimeter wall – application no 18/00568/LBC	To CONTINUE consideration of the matter for a hearing
Item 7.2(c) - 42 Henderson Row Edinburgh	Alteration to north garden boundary wall – application no 18/00569/LBC	To CONTINUE consideration of the matter for a hearing
Item 8.1 - 33 Pinkhill Edinburgh	Demolition of existing office building and development of 51 apartments (scheme 2) – application no 17/03433/FUL	<p>To REFUSE application as the proposal was contrary to Local Development Plan Policy Des 4.</p> <p style="text-align: center;">(On a division)</p>

Item 3.2 – Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 20 June 2018

Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Dixon, Gordon, Graczyk, Mitchell, Mowat, Osler and Staniforth.

1. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Section 4, 5 and 7 of the agenda for the meeting.

Requests for Presentations

The Chief Planning Officer gave a presentation on the following agenda items:

Item 4.3 – 11 Bowmount Place, Edinburgh and item 4.8 – 22A Findhorn Place, Edinburgh as requested by Councillor Staniforth.

Item 4.9, - 159, Fountainbridge, Edinburgh and items 4.18 and 4.19 - 10, Gilmerton Station Road, Edinburgh as requested by Councillor Booth.

Item 4.35 – 20, the Wisp, Edinburgh, as requested by Councillors Booth and Staniforth.

Declaration of Interest

Councillor Mowat declared a non-financial interest in item 5.1 – 42 Henderson Row, Edinburgh – as she was a parent of a child at Edinburgh Academy, left the room and took no part in consideration of the item.

Councillor Osler declared a non-financial interest in item 5.1 – 42 Henderson Row, Edinburgh – as she was a parent of a child at Edinburgh Academy and was invigilator at the SQA exams, left the room and took no part in consideration of the item.

Councillor Mitchell declared a non-financial interest in item 5.1 – 42 Henderson Row, Edinburgh – as he was a former pupil at Edinburgh Academy, left the room and took no part in consideration of the item.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>Item 4.1 - Baxters Place Edinburgh (Telephone kiosk)</p>	<p>Installation of x1 InLink and the removal of x1 BT payphone. Additionally, x1 BT payphone will be removed from a nearby location as part of this proposal – application no 18/01327/FUL</p>	<p>To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer</p>
<p>Item 4.2 - Baxters Place Edinburgh (telephone kiosk)</p>	<p>Two digital LED screens, one on each side of the InLink – application no 18/01329/ADV</p>	<p>To REFUSE advertisement consent for the reasons detailed in section 3 of the report by the Chief Planning Officer</p>
<p>Item 4.3 - 11 Bowmont Place Edinburgh</p>	<p>Site already in-situ. Extension to allow replacement mast to be integrated in the Network – application no 17/05913/FUL</p>	<p>To GRANT planning permission subject to a condition informatives as detailed in section 3 of the report by the Chief Planning Officer,</p> <p>Condition 1 to be amended to a period of six months.</p>
<p>Item 4.4(a) - 15 Braid Road Edinburgh</p>	<p>Change of use of existing Class 10 premises to mixed use of nursery and wedding venue, (Sui Generis) – application no 18/05806/FUL</p>	<p>To note this has been withdrawn from the agenda at the request of the Chief Planning Officer as the applicant has submitted an appeal against non-determination.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 4.4(b) - 15 Braid Road Edinburgh	Internal and external alterations including installation of acoustic glazing and formation of new escape door – application no 18/00605/LBC	To GRANT listed building consent subject to a condition and an informative as detailed in section 3 of the report by the Chief Planning Officer
Item 4.5 - 4 Calder Road Edinburgh	Internally illuminated digital advertisement to underside - application no 18/01095/ADV	To GRANT advertisement consent subject to conditions and informatives as detailed in section 3 of the report by the Chief Planning Officer
Item 4.6 - 4 Castle Street Edinburgh	Installation of 1 x InLink Unit and the removal of 2 x BT payphones - application no 18/01305/FUL	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.7 - 4 Castle Street Edinburgh	Two digital LED display screens, one on each side of the InLink unit - application no 18/01306/ADV	To REFUSE advertisement consent for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.8 - 22a Findhorn Place Edinburgh	Single storey extension to rear of property - application no 18/01618/FUL	To GRANT planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Item 4.9 - 159 Fountainbridge Edinburgh</p>	<p>Mixed use development comprising offices, hotel and other commercial uses including classes 1, 2, 3 and 11 with associated access roads, and landscaping/public realm (as amended) - application no 17/05997/FUL</p>	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1. Conditions, informatives and legal agreement as detailed in section 3 of the report by the Chief Planning Officer. 2. An amendment to conditions 8 and 9 to: “whichever is the first, rather than ”whichever is the latter” in relation to the installation of a Toucan Crossing. 3. Additional informatives: <ol style="list-style-type: none"> (a) That there be sufficient temporary secure cycle parking to meet Council guidance within the area of public realm in a location to be agreed with the Planning Authority. This is required until the required secure spaces are provided in Phase 2. (b) That a phasing plan for the development be submitted. (c) That the applicant is encouraged to give consideration to the potential for district heating

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 4.10 - 5 Frederick Street Edinburgh	Installation of x1 InLink and the removal of x2 BT payphones - application no 18/01310/FUL	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.11 - 5 Frederick Street Edinburgh	Two digital LED display screens, one on each side of the InLink - application no 18/01311/ADV	To REFUSE advertisement consent for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.12 - 32 George Street Edinburgh	Installation of x1 InLink and removal of x2 BT payphones - application no 18/01312/FUL	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.13 - 32 George Street Edinburgh	Two digital LED display screens, one on each side of the InLink - application 18/01313/ADV	To REFUSE advertisement consent for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.14 - 77b George Street Edinburgh	Removal of 2 x existing BT Payphones and the installation of 1 x InLink unit - application no 18/01307/FUL	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.15 - 77b George Street Edinburgh	Two digital LED display screens, one on each side of the InLink unit - application 18/01308/ADV	To REFUSE advertisement consent for the reasons detailed in section 3 of the report by the Chief Planning Officer

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 4.16 - 111 George Street Edinburgh	Two digital LED display screens, one on each side of the InLink – application no 18/01338/FUL	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.17 - 111 George Street Edinburgh	Two digital LED display screens, one on each side of the InLink – application no 18/01339/ADV	To REFUSE advertisement consent for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.18 - 10 Gilmerton Station Road Edinburgh	Approval of matters specified in conditions 1 (b)-(j)i, iv and 6 of Planning Permission in Principle 14/01649/PPP for the erection of 293 residential units with associated infrastructure works (as amended) – application no 17/05883/AMC	To APPROVE the application subject to conditions and informatives as detailed in section 3 of the report by the Chief Planning Officer
Item 4.19 - 10 Gilmerton Station Road Edinburgh	Approval of matters specified in conditions 1 (b), (d), (e), (f), (g), (h), (i), 6 and 10 of Planning Permission in Principle 14/01649/PPP for the erection of 315 residential units (as amended) – application no 17/05925/AMC	To APPROVE the application subject to conditions and informatives as detailed in section 3 of the report by the Chief Planning Officer
Item 4.20 - Hanover Street Edinburgh	Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter – application no 18/00948/ADV	To GRANT advertisement consent subject to conditions as detailed in section 3 of the report by the Chief Planning Officer

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 4.21 - Hanover Street Edinburgh	Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter - application no 18/01019/ADV	To GRANT advertisement consent subject to conditions as detailed in section 3 of the report by the Chief Planning Officer
Item 4.22 - Hanover Street Edinburgh	Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter – application no 18/ 01023/ADV	To GRANT advertisement consent subject to conditions as detailed in section 3 of the report by the Chief Planning Officer
Item 4.23 - 27 Hanover Street Edinburgh	Installation of x1 InLink and removal of x2 BT payphones – application no 18/01320/FUL	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.24 - 27 Hanover Street Edinburgh	Two digital LED display screens, one on each side of the InLink – application no 18/01321/ADV	To REFUSE advertisement consent for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.25 - 104 Hanover Street Edinburgh	Installation of x1 InLink and the removal of x2 BT payphones - application no 18/01322/FUL	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.26 - 104 Hanover Street Edinburgh	Two digital LED display screens, one on each side of the InLink - application 18/01323/ADV	To REFUSE advertisement consent for the reasons detailed in section 3 of the report by the Chief Planning Officer

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 4.27 - 6 Picardy Place Edinburgh	Installation of x1 InLink and the removal of x2 BT payphones - application no 18/01325/FU	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.28 - 6 Picardy Place Edinburgh	Two digital LED display screens, one on each side of the InLink - application no 18/01326/ADV	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.29 - 63 Queen Street Edinburgh	Installation of x1 InLink and the removal of x1 BT Payphone – application no 18/01336/FUL	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.30 - 63 Queen Street Edinburgh	Two digital LED display screens, one on each side of the InLink – application no 18/01337/ADV	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.31 - South St Andrew Street Edinburgh	Installation of x1 InLink and the removal of x4 BT payphones – application no 18/01334/FUL	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.32 - South St Andrew Street Edinburgh	Two digital LED display screens, one on each side of the InLink – application no 18/01335/ADV	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 4.33 - 2 South Charlotte Street Edinburgh	– Installation of x1 InLink and the removal of x2 BT payphones - application no 18/01303/FUL	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.34 - 2 South Charlotte Street Edinburgh	Two digital LED display screens, one on each side of the InLink - application no 18/01304/ADV	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 4.35 - 20 The Wisp Edinburgh	Proposed residential development – application no 16/00216/PPP	<p>To GRANT planning permission in principle subject to:</p> <ol style="list-style-type: none"> 1. Conditions, a legal agreement and informatives as detailed in section 3 of the report by the Chief Planning Officer 2. An additional condition requiring greening along the site boundary adjacent to the acoustic barrier on the neighbouring site. 3. That the applicant is encouraged to give consideration to the potential for district heating <p>Note: That the Greendykes Master Plan was made available to members when they consider any AMC applications.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 5.1 - 42 Henderson Row Edinburgh	Applications for Planning Permission and Listed Building Consent (18/00563/ FUL, 18/00568/LBC and 18/00569/ LBC) at 42 Henderson Row, Edinburgh EH3 5BL: Appeals against non-determination	<ol style="list-style-type: none"> 1. To note the submission of appeals against the non-determination of the applications for planning permission and listed building consent at 42 Henderson Row, Edinburgh (references 18/00563/FUL, 18/00568/LBC and 18/00569/LBC). 2. To request that the Reporter hold a hearing for the appeals.
Item 7.1 - GF 15 Belgrave Place Edinburgh	Convert existing rear window to form new external door. Fit new metal stair with glass balustrade - application no 18/01270/FUL	To REFUSE planning permission for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 7.2 - 7 Canaan Lane Edinburgh	Erection of five storey building to replace a disused public toilet comprising 10 flats – application no 18/01506/FUL	To GRANT planning permission subject to conditions, a legal agreement and informatives as detailed in section 3 of the report by the Chief Planning Officer

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 7.3(a) - National Galleries of Scotland 1 The Mound Edinburgh	Alterations and extension to the 1978 Property Services Agency (PSA) wing with adjoining interior alterations to the Scottish National Gallery (SNG) and the 2004 Weston Link, new and improved service and pedestrian access, landscaping , public realm and other works to achieve improved connections between galleries, gardens and the city beyond – application no 17/05832/FUL	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1. Conditions and informatives as detailed in section 3 of the report by the Chief Planning Officer 2. Informative 11 to become a condition, the reason “to ensure the proposals maintain adequate pedestrian access to the gardens” and have an acceptable impact on the building. 3. Amend condition 7 to include reference to a wayfinding strategy 4. Add Additional informative that : “The applicant is encouraged to consider the provision of replacement planting of appropriate species and numbers within the wider Princes Street Gardens as part of the Landscape Management Plan and in consultation with the Planning Authority.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 7.3(b) - National Galleries of Scotland 1 The Mound Edinburgh	Alterations and extension to the 1978 Property Services Agency (PSA) wing with adjoining interior alterations to the Scottish National Gallery (SNG) and the 2004 Weston Link, new and improved service and pedestrian access, landscaping , public realm and other works to achieve improved connections between galleries, gardens and the city beyond – application no 17/05842/LBC	To GRANT listed building consent subject to informatives as detailed in section 3 of the report by the Chief Planning Officer

Development Management Sub Committee

Wednesday 1 August 2018

**Application for Planning Permission 17/05930/FUL.
At Bonnington Mains Quarry, Cliftonhall Road, Newbridge.
Section 42 application for proposed variation to conditions
5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4
September 1990) to amend noise + vibration limits, postpone
submission of final restoration plan + clarify period for
completion of all mineral operations to 31 December 2050.**

Item number	4.1
Report number	
Wards	B02 - Pentland Hills

Summary

The proposals comply with the development plan and, with the imposition of appropriate conditions, will comply with the national Planning Advice Notes for best practice guideline in the operation of 'surface mineral workings'. The character of the surrounding area will be maintained and road safety and neighbouring amenity will not be detrimentally affected. There are no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN10, LEN11, LEN16, LEN21, LEN22, LTRA01, LRS05,
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Report

**Application for Planning Permission 17/05930/FUL.
At Bonnington Mains Quarry, Cliftonhall Road, Newbridge.
Section 42 application for proposed variation to conditions
5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4
September 1990) to amend noise + vibration limits, postpone
submission of final restoration plan + clarify period for
completion of all mineral operations to 31 December 2050.**

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site is located 650 metres to the south west of Ratho village, on the northern side of Wilkieston Road.

It is bounded to the west and north by agricultural fields, to the north east by the former Craigpark Quarry and to the south by Wilkieston Road, with agricultural fields beyond.

The application site is a hard rock quarry that extends to an overall site area of 15.3 hectares of which the extraction area extends to 11.29 hectares.

There is a deep excavation within the southern part of the site and raised area at the end of the access drive in the northern part.

Access to the site is from Cliftonhall Road (B7030), to the west of the site. The site access is angled at 30 degrees to the line of Cliftonhall Road such that vehicles can only enter and leave the site in a northerly direction, towards Newbridge.

The nearest inhabited buildings are; Bonnington Mains Farm, 347 metres, and Bonnington Cottage, 442 metres, to the south west, with Bonnington Village beyond, 517 metres; Clifton Cottage, 584 metres, to the west; a proposed Craigpark Country Park Managers house, 140 metres, and the Cala housing development, at Old Quarry Road, 395 metres, to the north east; and Ratho Mains Farm, 797 metres to the east.

2.2 Site History

12 January 1989 - planning permission was refused for hard rock quarry extraction and associated plant and machinery for the production of asphalt and cement from the site (application number 1693/87/32).

Reasons for refusal were:

- visual amenity impact given the exposed position;
- a premature loss of resource;
- loss of prime agricultural land; and
- impact on the amenity of nearby residential properties.

4 September 1990 - an appeal to the Scottish Office Inquiry Reporters Unit was upheld. The Reporter concluded; the need for a new hard rock quarry had been substantiated, that that need justified the loss of prime agricultural land subject to a restoration scheme that would encompass a return to agricultural use, and that the operation could be suitably mitigated to an acceptable level so as to protect amenity of nearby residents (appeal reference P/PPA/LA/643).

16 August 2000 - planning permission was granted for a change of use of 0.61 hectares of land, within the north east of the quarry site, adjacent to and to the west of the existing settlement lagoon, for the storage and recycling of inert waste comprised of construction materials (application number 99/00654/FUL).

20 June 2012 - an application for 'Waste Management Plan Objectives', in support of a scheme for the final restoration of the quarry comprising details of contours, open water areas, retained rock faces and other quarry material, woodland planting, grassland areas, areas of mixed vegetation and boundary details; was considered to be acceptable (application number 12/01430/MWD).

Other relevant neighbouring site history:

Craigpark Quarry; located immediately to the north east of the site

14 August 2009 - planning permission was granted for the erection of 117 houses on 5.93 hectares (18%) and the restoration of the remaining 27.02ha (82%) of the quarry for public amenity use. Those works anticipated a total quantity of material, to restore the quarry, of approximately 343,500 cubic metres; with some 96,000 cubic metres of imported infill material (application number 05/01229/FUL).

2 April 2015 - planning permission was granted for the erection of an agricultural storage shed and manager's residence on land to be developed as a country park (application number 14/02128/FUL).

23 February 2018 - planning permission was granted for a material variation of the re-shaping of slope profiles and water bodies, alterations to the proposed footpath network and proposed landscape scheme (application number 14/05021/FUL).

9 May 2018 - planning permission for the development of the former quarry site as an outdoor leisure complex, including water sport facilities, pedestrian and vehicular access, landscaping works, ancillary class 1 (retail) and class 3 (food and drink) uses, and tourism accommodation; was deemed to be acceptable subject to the conclusion of a legal agreement to secure bridged access to the north of the site (application number 17/02471/FUL). This application decision is awaiting the conclusion of legal agreement.

Main report

3.1 Description Of The Proposal

The application is made under section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to continue quarrying and ancillary operations at the site without compliance with a number of conditions (numbers 5, 8, 18, 22 and 23) that were attached to the original grant of planning permission issued by the Scottish Office Inquiry Reporters Unit on 4 September 1990.

The applicant has identified that there have been significant changes to legislation regarding the operation of mineral workings since the original grant of planning permission and seeks to update a number of conditions in accordance with the latest national advice and guidance. Also those conditions place a restriction on quarrying operations pending the submission and approval of a restoration scheme for the site.

The applicant contends that there remain significant reserves of material at the site and that the submission and approval of a restoration scheme would be premature at this time.

The applicant has, therefore, suggested alternative conditions with which to replace these five conditions.

Those conditions relate to: limitations on the times when blasting can be carried out on site; the peak particle velocity resulting from those blasts (i.e. the levels of recordable vibration); the maximum noise levels generated by on site operations when measured at the nearest noise sensitive properties (residential homes); when extraction of material from the site should cease and the details of a site restoration scheme should be submitted to and approved by the planning authority.

As such this is not a new application for minerals extraction at the site as planning permission already exists. The effects of granting permission is such that a new and separate permission exists for the proposal.

Supporting information

The following documents were submitted in support of the application:

- Environmental Statement;
Landscape and Visual Assessment;
Ecology;
Water Environment;
Noise;
Dust and Air Quality;
Vibration;
Historic Environment;
Traffic and Transport;
- Revised Noise Impact Assessment; and
- Planning Statement.

These documents can all be viewed on the Planning and Building Standards Online Service.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- (a) the principle of the use is acceptable;
- (b) the impact of the changes in legislation, since the original grant of planning permission, are material;
- (c) the proposed amendment to the planning conditions are acceptable;
- (d) the proposed amendments to other planning conditions are acceptable;
- (e) the proposals affect landscape and visual impact;
- (f) the proposals affect ecology;
- (g) the proposals affect water environment;
- (h) the proposals affect road safety;
- (i) the proposals have any equalities or human rights impacts; and
- (j) comments raised have been addressed.

a) Principle

The original grant of planning permission for the mineral extraction at this site was determined at appeal against the terms of the Lothian Region Structure Plan 1985 and the National Planning Guidelines on Aggregate Working 1977.

In determining this section 42 application it is material to assess the proposal against the prevailing development plan policies of; the Strategic Development Plan 2013 (SDP), the emerging Proposed Strategic Development Plan 2016 (PSDP) and the Edinburgh Local Development Plan 2016 (ELDP).

Policy 4 of the SDP, the 'Responsible Resource Extraction' section (4.18) of the PSDP and policy RS 5 all relate to minerals development. These seek to safeguard defined, economically viable mineral resources from sterilisation, including Bonnington Mains Quarry and to ensure that there is a sufficient 10 year reserve of construction aggregates. These policies include ensuring adequate and appropriate site restoration schemes

In order for an application made under section 42 of the Town and Country Planning (Scotland) Act 1997 to be valid there must be an extant grant of planning permission to which it relates.

When issued the 1997 Act introduced, at Schedule 3 'conditions relating to mineral workings, duration of development', additional provisions with regard to extant planning permissions for mineral developments.

These provide that unless, in the original grant of permission, a condition had been included limiting the duration of the development (where that permission was granted after 22 February 1982) then the winning and working of minerals must cease not later than the expiration of a period 60 years, beginning with the date of that permission.

As the Reporter applied no condition expressly dealing with the duration of planning permission then Schedule 3 of the Act impose a time limitation on quarrying activity for this site to a date no later than 3 September 2050.

In terms of the full details assessed at part 3.3 (c) condition 22 below it is accepted that there remains an adequate economically viable mineral resource at this site and that its extraction, subject to the full assessment below, would result in extraction without unacceptable environmental or amenity impacts in accordance with Scottish Planning Policy and the terms of the relevant policies.

Representation has been made that planning permission for the extraction of material from the quarry lapsed in 2014, a date 18 years after the commencement of operation on the site, as set out in condition 23 of the appeal decision. That condition states that:

"The production of aggregates at the site shall cease at the end of 18 years from commencement of operations, unless either a scheme for the restoration of this site has been approved by EDC (Edinburgh District Council) or there is in existence planning permission to refill and restore the site at the completion of quarrying."

The logic of this argument, and the intention of the Reporter identified, is evident from scrutiny of the 1990 appeal decision report. The Reporter clearly identifies that the duration of the quarry operation would be for a period of about 25 years before clarifying that a scheme of restoration should be agreed between the developer and the Council before the end of that quarrying period.

It is reasonable to conclude from the Reporters' reasoning that the planning purpose of Condition 23 is to secure a suitable safeguarding of the future restoration of the site and to set a time limitation by when such a restoration plan should be produced and agreed, rather than to place an end date limiting the extraction of material beyond which no mineral extraction should be undertaken under any circumstances.

If the Reporters' intention had been to place a time limit for the extraction of material from the site then such a limitation would have taken the form of a different type of condition, one that would specifically and unequivocally stated such a time limitation for extraction; and that was not done by the Reporter.

It would therefore follow from his line of reasoning, and the form of the conditions attached to the grant of planning permission, that the meaning of this condition does

not specify that the production of aggregates must cease within a specified period from the date of the permission. Instead it introduces a temporary cessation after 18 years, unless a restoration scheme or similar planning permission for the future use of the site has been approved. Thereafter, once a restoration scheme has been approved, then it is reasonable to conclude that the production of aggregates from the site can resume.

As such the provisions of Schedule 3 of the Planning Act become effective keeping the quarry operations at the site lawful until 2050.

Accordingly, it is accepted that the original application remains valid in planning terms and that this section 42 application is appropriately made here. As such it should be assessed and determined in accordance with the changes in legislation and guidance that have taken effect since the original grant of planning permission.

To that end the specific alterations to the original conditions and the wider concerns and impacts of the operation of the quarry site should be fully assessed here as part of this application.

b) Changes to Legislation

Since the grant of planning permission, the legislation controlling mineral operations has been substantially changed. The Environment Act 1995, introduced, through the provisions of section 96 and Schedules 13 'identify old mineral permissions' and 14 'undertake a periodic review', together with Circular 34/1996, that Councils were obliged to undertake a review of all old minerals permissions within their boundary and to undertake a periodic review of those permissions every 15 years thereafter. These provisions were extended by section 74 and Schedules 9 & 10 of the Town and Country Planning (Scotland) Act 1997.

In a report to Planning Committee, on 13 March 1997 entitled 'Review of Old Minerals Permissions' (item 18), it was identified in Appendix 2 that the permission for Bonnington Mains Quarry was to be reviewed on or before 4 September 2005.

The planning records show that no notification was sent by the Council; and consequently that no review has been carried out for this site.

Accordingly, this application, as well as dealing with the request under section 42 from the developer, also provides the Council an opportunity to review the existing conditions in accordance with those provisions of the Act.

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 1999 (EIA regulations) were introduced on 1 August 1999. Those regulations have subsequently been replaced by the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 and most recently by the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

This proposal was screened by the Council, as part of the earlier planning submission, as requiring the submission of an 'Environmental Statement' on 5 October 2016. Therefore, in accordance with the provisions of regulation 60(4)(a) of the 2017

Regulations ('Transition Provisions') this application is to be determined in accordance with the 2011 Regulations.

In 2015 the Scottish Government issued guidance to planning authorities that applications made under section 42 should subject the development to an assessment against the provisions of the EIA regulations.

Also of relevance, to the determination of this application, are the various advice notes published by the Scottish Government between 1996 and 2000.

The relevant Planning Advice Notes (PANs) are:

- PAN 50 - 'Controlling the Environmental Effects of Surface Mineral Workings' (1996)
- PAN 50 Annex A - 'The Control of Noise at Surface Mineral Workings' (1996)
- PAN 50 Annex B - 'The Control of Dust at Surface Mineral Workings' (1998)
- PAN 50 Annex C - 'The Control of Traffic at Surface Mineral Workings' (1998)
- PAN 50 Annex D - 'The Control of Blasting at Surface Mineral Workings' (2000)
- PAN 56 - 'Planning and Noise' (1999)

These set out the most relevant, up-to-date advice and 'good practice' on the more significant environmental effects arising from mineral working operations for use by planning authorities in the consideration of planning applications and in the framing and enforcing of planning conditions.

The core of this application seeks to ensure that the future operation of the site, for the extraction of aggregate, is carried out in full compliance with these legislative changes and adheres to the most up-to-date operating practices and monitoring provisions that are available. As part of the submission the application provides a full Environmental Statement. This identifies how the proposed future extraction and other on-site operations will comply with the present environmental and amenity standards. These issues will be considered in detail in the following sections of the report.

c) Amendment to Planning Conditions

i) Condition 5

"5. Blasting shall only take place on weekdays between the hours to be agreed with EDC in consultation with the operators of Craigpark Quarry."

Condition 5 seeks to place a limitation on the times when blasting can be carried out in the quarry site, limiting blasting operations to weekdays only, and for these to be agreed with the Council in consultation with the operators of Craigpark Quarry. This was required at the time so that blasting could be co-ordinated between the two quarry sites to avoid any dangers that would result from simultaneous blasting on the two sites.

Craigpark Quarry no longer produces aggregate and planning permission was recently assessed by Committee for the reuse of that quarry site for commercial leisure activities.

Since planning permission was granted in 1990, the Scottish Office has published Planning Advice Note 50, 'Controlling the Environmental Effects of Surface Mineral Workings' and specifically Annex D, dealing with the control of blasting.

In light of the government advice and following further discussions the operator has requested that a new condition be imposed, in accordance with the provisions of Annex D, limiting blasting to between 10:00 and 16:00 hours, Monday to Friday, with no drilling or blasting on Saturdays or Sundays.

The revised condition includes provision for blasting to be carried out in emergency situations outwith those approved hours but only for safety reasons.

It is proposed that this condition should be further amended to ensure that the developer notifies the Council as soon as practicable in the case of any emergency blasting operation, providing full details of the nature and circumstances to justify any such emergency event.

Together with the restrictions imposed by other conditions, including those placing limitations on overall noise and other blasting impacts, it has been identified by Environmental Protection that these changes would be acceptable in terms of the overall impact on the nearest noise sensitive properties.

Accordingly, it is proposed that the wording for the proposed replacement condition should be:

5. "No blasting or drilling operations shall be carried out on the site except between the following times:

- Mondays to Fridays: 10:00 and 16:00 hours.*

There shall be no blasting or drilling operations on Saturdays or Sundays.

This condition shall not apply in cases of emergency when it is considered necessary to carry out blasting operations in the interests of safety. The planning authority shall be notified of such events as soon as practicable after such an event including details of the nature and circumstances justifying such an emergency event."

This revised condition is acceptable in terms of its wider impact on neighbouring occupants and the environment.

ii) Condition 8

"8. The peak particle velocity resulting from a blast shall not exceed 2.5mm/s in any plane, with a confidence level of 95% as measured at the neighbouring noise-sensitive buildings."

Condition 8 seeks to limit 'peak particle velocity' (that is the maximum rate at which particle displacement changes) resulting from blasting operations in the quarry when measured at neighbouring residential properties. This is a measurement of the potential for occupants of neighbouring properties to perceive vibration in terms of its magnitude, duration and frequency. The Reporter concluded, for the large majority of

blasts on the site, that there would be either no or minimal perception by those occupants.

Since planning permission was granted for the quarry the Scottish Office has published Planning Advice Note 50, 'Controlling the Environmental Effects of Surface Mineral Workings' and specifically 'Annex D', dealing with the control of blasting.

That advice was provided so as to assist planning authorities and the minerals industry to keep the effects of blasting within environmentally acceptable limits, following research commissioned by the UK Government.

In accordance with that advice the operator has requested that a new condition be imposed on future works at the quarry following the example provided in the Planning Advice Note.

The background information provided by the operator within their submitted Environmental Statement together with the best practice in the advice has been assessed by Environmental Protection. They have advised that the proposed changes would be acceptable in terms of the impact on the occupants of the nearest residential properties.

The condition is proposed to be further amended to ensure that the measurements carried out by and on behalf of the operator be recorded and submitted to the Council on a quarterly basis to ensure that those records are being suitably monitored to ensure compliance.

Accordingly, it is proposed that the wording for the proposed replacement condition should be:

8. "Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mms^{-1} in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of 12 mm^{-1} as measured at vibration sensitive buildings. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building. Details of the results of all on site blasting operations, including those required by the provisions of conditions 7 and 8 below, shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis."

Accordingly, the revised condition is acceptable in terms of its impact on the occupants of neighbouring properties.

iii) Condition 18

"18. The design, installation and operation of all fixed plant and machinery shall be such that any associated noise does not increase the pre-existing background noise levels in each octave band (centres 31.5Hz - 8kHz) by more than 1dB, as determined for 1m from the facade of the neighbouring noise-sensitive premises. The pre-existing background noise levels shall be determined prior to the commencement of any operations and verified by EDC by the measurement of the average L90s in each octave band, 1m from the facade of the neighbouring noise-sensitive premises and for the most noise sensitive period of operation."

Condition 18 seeks to control the maximum noise generated by operations within the quarry site, including that generated by fixed plant and machinery, to specific levels when measured at the facade of neighbouring residential properties. These levels were subject to lengthy discussion at the appeal based on the experiences of both parties.

Since planning permission was granted for the quarry the Scottish Office has published Planning Advice Note 50, 'Controlling the Environmental Effects of Surface Mineral Workings' and specifically Annex A, dealing with the control of noise.

The operator has also identified that since the original permission the Council has granted permission for a number of dwellings within proximity of the quarry site and that that decision was taken without consideration of the ability of the quarry operator to maintain compliance with the terms of the original condition 18.

It is therefore proposed by the operator that the condition be replaced by one that takes cognisance of the advice and findings in the advice note in ensuring acceptable levels of impact on the occupants of those nearest residential properties to the site.

Those maximum noise levels proposed by the operator have been the subject of discussions with the Council's Environmental Protection staff in order to arrive at the property specific noise limits that have been proposed for substitution within the replacement condition.

The appeal decision also included a further condition related directly to the limitation of noise from the operations of the quarry site. Condition 19, requires that:

Suitable reference measurement points shall be identified such that the "A" weighted hourly L_{Aeq} noise levels emitted from the site - including all fixed and mobile plant and any ancillary operations - shall not exceed the pre-existing "A" weighted hourly L_{90s} by more than 5dB as determined for 1 metre from the facade of any neighbouring noise-sensitive premises.

As part of the assessment of the replacement condition 18 it has been identified that while as originally proposed conditions 18 and 19 formed a coherent means of limitation on noise generation from the operations of the site. However, the revised version of condition 18 would of itself provide sufficient control and that if retained the provisions of condition 19 would negate those provisions. Accordingly, it is proposed that condition 19 should be deleted.

Accordingly, it is proposed that the wording for the proposed replacement condition should be:

18. "a) That with respect to the control of noise resulting from the operations during the permitted hours of operation stated in Condition 16, the nominal noise limit from site operations shall not exceed the following, when measured free field over any one hour period:

- Clifton Cottage 45 dB(A) L_{Aeq} ,*
- Bonnington Mains Farm 52 dB(A) L_{Aeq} ,*
- Craigpark Housing Development 52 dB(A) L_{Aeq} ,*

- Park Ranger Lodge 52 dB(A) L_{Aeq} ,
- Ratho Mains Farm 51 dB(A) L_{Aeq} ,

b) Notwithstanding the terms of part (a), that during temporary operations, such as soil stripping operations, the nominal daytime noise limit from site operations, shall be no more than 70dB L_{Aeq} over anyone hour period for a maximum of 8 weeks per year."

For information condition 16, quoted in the condition, sets the hours of operation for the general operations within the quarry and these are to remain unaltered as a result of this application.

iv) Conditions 22 and 23

"22. Within 15 years from the start of production of aggregate at the site, the operator shall - unless there then subsists a planning permission for the refilling and restoration of the site - submit a scheme for site restoration for the approval of EDC. This scheme shall include the details indicated in 'Restoration Conditions' no. 1 recommended by DAFS and set out in the Annex to this letter."

Condition 22 placed a time frame on the operator within which to submit a scheme for site restoration to the Council of 15 years from the start of the production of aggregate at the site.

"23. The production of aggregates at the site shall cease at the end of 18 years from commencement of operations, unless either a scheme for the restoration of this site has been approved by EDC or there is in existence planning permission to refill and restore the site at the completion of quarrying."

Condition 23 sought to ensure that unless an approved restoration scheme had been approved by the Council at the end of 18 years then production of aggregate should cease until such a scheme was submitted by the operator.

At the time of the appeal determination the Reporter understood from the parties that the likely end date for extraction at the quarry was some time in the future and that environmental standards were likely to increase over the course of those years. Accordingly, restricting the details of the restoration plan at the time of the appeal would be counterproductive and potentially prevent the Council from taking the necessary and appropriate steps to achieve a suitable means of restoration that would be appropriate and relevant at that time.

The operator has identified that there remains an estimated 3.5 million tonnes of hard rock available within the extent of the application site and the existing permission. This is proposed to be worked at a similar level of extraction to that pre 2011 of between 250,000 to 300,000 tonnes per annum. This would result in quarrying operations for a period of at least 14 years. In this regard it should be noted that the existing condition 21 sets a cap of 375,000 tonnes per annum as a maximum level of extraction. That condition is not proposed to be amended as part of this application.

It is also requested that the restoration conditions should be amended to take account of both the existing site circumstances and the extended time period provided by the legislative changes. Following discussions with the developer it is proposed that a plan

illustrating the final restoration of the site be submitted to the Council for its consideration and determination. Thereafter, the approved restoration plan would be subject to a 10 yearly review and that the agreed restoration scheme should be implemented in full within 24 months of the cessation of quarrying operations.

This approach has merit and, given the changes introduced by the Town and Country Planning (Scotland) Act 1997 extending the extraction life of the quarry to 2050, would provide the Council with a suitable means of control over the restoration of the quarry at the relevant time.

Accordingly, it is proposed that the wording for the proposed replacement conditions should be:

22. "That within 5 years of the date of this permission, a plan illustrating the proposed final restoration of the site, incorporating all of the requirements contained within the provisions of Conditions 32-44 below (the Restoration Conditions), shall be submitted to and approved by the Council as Planning Authority. Thereafter, the approved restoration plan shall be reviewed every 10 years. The site shall then be restored in accordance with the last approved restoration plan within 24 months of the cessation of the permitted operations."

"23. That all extraction operations on the site shall be discontinued on or before 3 September 2050, as stipulated by the provisions of Schedule 3(1) of the Town and Country Planning (Scotland) Act 1997, and no later than a date 24 months from that discontinuance date, the entire site shall be restored in accordance with the approved restoration plan to the satisfaction of the Council as the Planning Authority."

d) Other Planning Conditions

The other conditions attached to the original appeal decision are not the subject of this application but will require to be updated as follows:

Condition 1 states:

The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

As development was lawfully commenced on site within that timescale this condition does not require to be imposed on this determination.

Condition 2 states:

The developer shall comply with 'Mineral Working Conditions' nos. 1-11 recommended by DAFS (Department for Agriculture and Fisheries Scotland) and set out in the Annex to this letter.

This condition is proposed to be reworded including transferring the DAFS mineral working conditions from an annex to form a full part of this determination. These will become conditions 22 to 31. These changes would bring the condition in line with circular advice on conditions and ensure that the mineral working conditions have the same planning weight. This will become condition 1.

Condition 3 states:

The mounds to be formed at the site (as shown on drawing A16.100A), composed of the soil and overburden from the site, shall be fully formed before the commencement of actual quarrying operations.

In section 3.3(e) of this report, below, the proposed rewording of this condition, and its justification, are assessed in full so as to provide extensions to the existing mounds on the north-western boundary of the site as part of this determination to assist with the noise mitigation measures proposed for the recommencement of extraction operations on the site. This will become condition 2.

Condition 4 states:

Details of planting to be carried out at and in the vicinity of the site (as shown on drawings A16.100A and A16.101A, but including in addition such planting as is deemed appropriate by EDC [Edinburgh District Council] (a) along the length of the south and south east boundary of the field to the north of the access road and plant site, and (b) along the eastern boundary of the B7030 road northwards to a point 50m south of the Union Canal) shall be submitted for the further approval of EDC before the commencement of quarrying operations. Approved planting shall be completed in full within 6 months of the commencement of quarrying operations and maintained thereafter to the satisfaction of EDC. Maintenance shall include the replacement of any plant stock which fails to survive, as often as may be necessary, to ensure establishment of the scheme as approved.

This condition has been complied with in full and the boundary planting has now been established. Accordingly, this condition is proposed to be removed from this determination.

Condition 5 states:

Blasting shall only take place on weekdays between the hours to be agreed with EDC in consultation with the operators of Craigpark Quarry.

This condition forms a part of this application and is considered in full in section 3.3(c) above and will become condition 3.

Condition 6 states:

There shall be a maximum of 3 blasts per week, with an average over any period of 12 months of 2 blasts per week.

There is no change proposed and this will become condition 4.

Condition 7 states:

Prior to the commencement of blasting, permanent monitoring points and monitoring station of approved equipment shall be provided, subject to the following:

- a) the location of the monitoring points and station shall be to the satisfaction of EDC.*
- b) the monitoring process shall be continuous.*
- c) all record sheets shall be available at the quarry office for inspection at all reasonable times.*
- d) appropriate EDC officials shall be afforded reasonable access to the equipment insofar as such access is subject to statutory regulations.*

In accordance with the provisions of the updated Scottish Government's Planning Advice Notes, it is proposed that the condition be amended to; "...*monitoring points of approved mobile equipment shall be provided...*" and that monitoring shall be undertaken for the duration of blasting and to include the 15 minutes prior to and following such blasts. It also proposes to require all record sheets to be submitted to the Council on a quarterly basis. It is proposed that this condition is reworded accordingly. This will become condition 5.

Condition 8 states:

The peak particle velocity resulting from a blast shall not exceed 2.5mm/s in any plane, with a confidence level of 95% as measured at the neighbouring noise-sensitive buildings.

This condition forms a part of this application and is considered in full in section 3.3(c) above and this will become condition 6.

Condition 9 states:

The gas pipeline which passes near the south west of the appeal site shall not be subjected to a resolved peak particle velocity in excess of 25mm/s measured as the maximum in any one plane on the pipe. Compliance with this criterion shall be ascertained by measurement on the ground surface immediately above the buried pipeline, where a resolved peak particle velocity of 37.5mm/s shall not be exceeded.

There is no change proposed and this will become condition 7.

Condition 10 states:

Blasting practices shall be such that under appropriate measurement conditions the peak linear overpressure level of 120dB shall not be exceeded as measured at the nearest noise sensitive premises.

There is no change proposed and this will become condition 8.

Condition 11 states:

The overall dust emission from the site shall be so controlled as to ensure that, in the opinion of EDC, no dust nuisance is caused.

The inclusion of the words, "*in the opinion of EDC*" makes the condition imprecise and contrary to the Circular tests for a condition. It is therefore proposed to omit these words. A nuisance is a term that is clearly identified in the environmental regulations and upon identification that a dust nuisance has occurred then enforcement steps can be taken, under those provisions, to mitigate that nuisance.

Accordingly, this condition is proposed to be removed from this determination.

Condition 12 states:

Suitable modern dust suppression or collection equipment shall be installed on all relevant plant, and shall be regularly maintained to ensure its efficient operation.

In order to make this condition sufficiently precise in terms of what is meant by '*regularly maintained*' it is proposed to insert the words, '*in accordance with the manufacturers' recommendations*'.

This will become condition 9.

Condition 13 states:

All conveyors shall be adequately enclosed.

There is no change proposed and this will become condition 10.

Condition 14 states:

An adequate number of portable water sprayers shall be provided for the damping down of stockpiles, areas adjacent to the crushing plant and internal haul roads.

There is no change proposed and this will become condition 11.

Condition 15 states:

In order to prevent spillage and wind blown dust from lorries, all such loads shall be adequately sheeted prior to leaving the site.

There is no change proposed and this will become condition 12.

Condition 16 states:

The hours of operation shall be restricted to:

a) *for normal quarry operations:*

Monday - Friday : 07:00 - 19:00

Saturday : 07:00 - 12:00

b) *for fixed plant only:*

Saturday : 12:00 - 16:00

Sunday : 07:00 - 16:00

or such longer times as may be agreed with the Planning Authority if lower noise emission levels from the fixed plant permits.

It is proposed to extend the general operational hours, in accordance with the provisions of the updated Scottish Government's Planning Advice Notes, on Saturdays from the existing hours of 07:00 to 12:00 hours to 07:00 to 19:00 hours. It is also proposed to revise the operating hours of fixed plant to include Monday to Friday, presently omitted, to bring operations in line with the revised working on Saturday and to reduce operations on Sunday to between 10:00 to 14:00 hours on Sunday.

This is separate from the very specific condition that limits the days and hours of blasting operations and is controlled at condition 5 above.

This will become condition 13.

Condition 17 states:

All plant and machinery will operate only in the permitted hours, except in emergency, and shall be silenced at all times in accordance with the manufacturers' recommendations.

It is proposed to amend this condition to include; *Details of all cases of emergency operation on site shall be recorded by the developer and be submitted to the Planning Authority as soon as practicable after such an event including details of the nature and circumstances justifying such an event.* This addition is necessary to ensure that all episodes of emergency operation are recorded and those details provided to the Council to permit suitable monitoring with the developer.

This will become condition 14.

Condition 18 states:

The design, installation and operation of all fixed plant and machinery shall be such that any associated noise does not increase the pre-existing background noise levels in each octave band (centres 31.5Hz - 8kHz) by more than 1dB, as determined for 1m from the facade of the neighbouring noise-sensitive premises. The pre-existing background noise levels shall be determined prior to the commencement of any operations and verified by EDC by the measurement of the average L_{90s} in each octave band, 1m from the facade of the neighbouring noise-sensitive premises and for the most noise sensitive period of operation.

This condition forms a part of this application and is considered in full in section 3.3(c) above and this will become condition 15.

Condition 19 states:

Suitable reference measurement points shall be identified such that the "A" weighted hourly L_{Aeq} noise levels emitted from the site - including all fixed and mobile plant and any ancillary operations - shall not exceed the pre-existing "A" weighted hourly L_{90s} by more than 5dB as determined for 1 metre from the facade of any neighbouring noise-sensitive premises.

This condition forms a part of this application and is considered in full in section 3.3(c) above.

Accordingly, this condition is proposed to be removed from this determination.

Condition 20 states:

Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1. The design and layout of this access, which shall be submitted to and approved by EDC in consultation with the Roads Authority before quarrying operations commence, shall provide that heavy goods vehicles may leave the site only by turning tight to, and enter the site only turning left from the B7030 road.

The required access layout was carried out on site in accordance with the terms of this condition. Accordingly, the condition is to be modified to reflect this and retain the existing layout to ensure that all heavy goods vehicles manoeuvre only in accordance with the original provisions.

This will become condition 16.

Condition 21 states:

The rate of extraction of material shall be restricted to 375,000 tonnes per annum.

It is proposed to include the following wording; *Details of the quantity of all extracted material from the quarry shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.* This will ensure that records of all extraction will be submitted to the Council on a quarterly basis to ensure full monitoring and compliance.

This will become condition 17.

Condition 22 states:

Within 15 years from the start of production of aggregate at the site, the operator shall - unless there then subsists a planning permission for the refilling and restoration of the site - submit a scheme for site restoration for the approval of EDC. This scheme shall include the details indicated in 'Restoration Conditions' no. 1 recommended by DAFS and set out in the Annex to this letter.

This condition forms a part of this application and is considered in full in section 3.3(c) above and this will become condition 18.

Condition 23 states:

The production of aggregates at the site shall cease at the end of 18 years from commencement of operations, unless either a scheme for the restoration of this site has been approved by EDC or there is in existence planning permission to refill and restore the site at the completion of quarrying.

This condition forms a part of this application and is considered in full in section 3.3(c) above and this will become condition 19.

Condition 24 states:

Within 12 months from the completion of operations, all plant, machinery and buildings shall be removed from the plant site and stockpile areas, which shall be left in a neat and tidy condition.

There is no change proposed and this will become condition 20.

Condition 25 states:

Restoration following completion of operations shall comply with 'Restoration Conditions' nos. 2-14 recommended by the DAFS and set out as the Annex to this letter.

This condition is proposed to be reworded including transferring the DAFS restoration conditions as free standing conditions as part of this determination.

This condition is proposed to be reworded including transferring the DAFS restoration conditions from an annex to form a full part of this determination. These will become conditions 32 to 44. These changes would bring the condition in line with circular advice on conditions and ensure that the mineral working conditions have the same planning weight. This will become condition 21.

e) Landscape and Visual Impact

None of the conditions, proposed to be amended by the applicant, relate to matters of landscape or visual impact regarding the quarry operation of the application site.

However, as part of the considerations related to noise, at condition 18, it was identified that the use of the drill rig, particularly in the north western part of the quarry, had the potential to exceed day time noise constraints when measured at the closest noise sensitive properties to the west of the site.

As a means of ensuring that noise from the drill rig would comply at all times, even in a worst case scenario, the operator has proposed to update the design of environmental bund along the western side of the quarry, especially at its northern end, to provide complete screening in all cases.

This will require increasing the height of the existing bund to a height of between 4.5 and 5 metres above the immediately adjacent land levels with the additional material taken from existing stockpiles within the existing site. The wider visual impact of the extended bund, when viewed from surrounding public locations, would be negligible in visual impact terms.

In order to facilitate these works it is proposed to amend condition 3 of the original decision to incorporate the detailed bund works to accord with the submitted plans and details provided by the operator.

The existing bund forms the western boundary of the quarry site located 250 metres to the east of Cliftonhall Road which runs north to south parallel with the application site. Along the eastern edge of the road is a mature tree belt which effectively screens the quarry site and the existing bund from public view.

The nearest residential property to the proposed bund is Clifton Cottage on the north side of Clifton Road 590 metres to the west of the quarry site. As well as the tree belt the site is also screened by a large former granary store now operating as a store facility.

These matters have been the subject of consultation with the Council's Legal and Risk section to ensure that their imposition on the new determination would be lawful. The formation of the bund works proposed are of such a scale that if considered in isolation would represent work that would constitute development as defined in the terms of the Town and Country Planning (Scotland) Act 1997 and therefore a separate application.

However, as they form a relatively minor part of the wider quarry development and are necessary and appropriate as part of the revision of an existing condition, to mitigate the impact of the development at the present time, then no separate application is required and it is appropriate to amend the provisions of the existing condition.

Condition 3 originally requires that:

"The mounds to be formed at the site (as shown on drawing A16.100A), composed of the soil and overburden from the site, shall be fully formed before the commencement of actual quarrying operations."

It is proposed to amend the condition to read:

"3. The mounds and environmental bunds to be formed along the western boundary of the site (as detailed in drawing 1704-S106-BON-D-201 RevA), composed of the soil and overburden from the site, shall be constructed in full, prior to the recommencement of any extractive quarrying operations within the area marked 'Mineral Worked' (as detailed in drawing 1704-S106-BON-D-202 Rev A)."

Representations were received concerned at the significant changes in the character of the surrounding area since the time when planning permission was granted for the quarry operation. Specifically the increase in the number and proximity of houses on part of the former Craigpark Quarry and that cognisance should be taken of this.

As already identified, the determination of this application would not impact on the continued operation or otherwise of the quarry, only whether those operations should be continued in accordance with a revised schedule of conditions from those imposed at the appeal decision.

Consequently, the impact on the occupants of noise sensitive properties in proximity to the quarry site is a matter that has been addressed in the conditions section of this report.

Concerns have also been raised with regard to the impact of the quarry operation on; the local conservation area, semi ancient woodland, Ratho Primary School grounds, and the Union Canal (a Scheduled Monument). However, Bonnington Mains Quarry is separated from these areas by Craigpark Quarry and as such there are no detrimental impacts on any of these locations.

Other representations were received stating their satisfaction with the supporting documents accompanying the application identifying that the proposal will not result in any significant adverse impact.

With the proposed condition change the proposal is acceptable in terms of its visual impact.

f) Ecology

The ecology of the site and its immediately surrounding area was fully assessed as part of the Environmental Statement (ES), this included various surveys and field studies of protected species.

Scottish Natural Heritage (SNH) has advised that it agrees with the proposed mitigation measures identified within the ES with regards to the both the continued operation of the quarry and the restoration requirements towards the end of the operational life of the quarry.

The Construction Environmental Management Plan and the Landscape and Habitat Management Plan include the compensation and enhancement measures and mitigation identified in the ES. That ensures adequate protection measures upon the

resumption of operations. Principally the species of concern would be bats, especially during periods of hibernation.

The protected species identified in public representations have been assessed as part of the application and sufficient mitigation provisions exist to ensure that the continued quarry operation on the site can be appropriately carried on. Both SNH and the ES report have confirmed that the site is not considered to hold any Great Crested Newts.

Subject to the restrictions identified in the ES the proposal is acceptable in terms of its ecology impact.

g) Water Environment

The relevant section within the Environmental Statement, submitted with the application, identifies potential hydrogeological and hydrological impacts of the quarry operations.

These existing matters have been considered by the Scottish Environmental Protection Authority (SEPA) and the proposed mitigation identified, existing conditions on the operation of the quarry and together with the level of control afforded under alternative legislation would be sufficient in this instance.

There are no proposed changes to the existing schedule of conditions in this instance.

h) Road Safety Issues

The application does not seek to amend or revise any of the existing transport related conditions attached to the original grant of planning permission resulting from the appeal decision.

The Roads Authority has been consulted and has no objections to the application.

Letters of representation were received from neighbours concerned at the impact of additional HGV traffic on a local road system, in the vicinity of the quarry site, that cannot cope and are in a state of disrepair.

There are also concerns raised regarding the agreed HGV routes to and from the quarry, with allegations that during previous operations HGVs took 'non-approved' routes south along Wilkieston Road through Wilkieston onto the A71, through Ratho, and along Clifton Road to the west.

Concerns have been raised that despite the angled junction, between the site and Cliftonhall Road (B7030) designed so as to only permit HGVs to enter and leave the site to and from the North, that some vehicles made a dangerous turning manoeuvre in the junction serving the EICA in order to travel directly south to the A71.

Finally, if the application is approved there should be strict conditions limiting the roads that can be used to and from the quarry placed on the permission.

The appeal decision contains only a single condition, number 20, that relates to vehicular access to and from the site which requires that:

"Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1. The design and layout of this access, which shall be submitted to and approved by EDC (Edinburgh District Council) in consultation with the Roads Authority before quarrying operations commence, shall provide that heavy goods vehicles may leave the site only by turning tight to, and enter the site only turning left from the B7030 road."

A design of junction that fully complied with the terms of the condition was approved and the junction was formed in accordance with the agreed plans.

It can be confirmed that no 'agreed HGV routes to and from the quarry' have ever been the subject of such a planning condition placing any such restriction on vehicles visiting the quarry site.

Placing such limitations on, the use of certain public roads by vehicles, and the sizes and heights of vehicles using them, are matters for control through other primary legislation, including the Roads (Scotland) Act 1984.

Such a form of condition have been found by the Courts, not to be material planning matters and the imposition of such a condition would therefore be unlawful.

In response to these comments the applicant has advised that upon the resumption of operations on site will operate at similar levels of HGV movements to and from the site. This will equate to a 3% increase in existing traffic levels and a 22% increase in the number of HGVs.

There would be no detrimental impact on matters of road safety as a result of this determination.

i) Equalities and Human Rights Impacts

There are no equalities or Human Rights impacts with this application.

j) Representations

Material Representations: Objections

- Original permission - lapsed in 2014 after 18 years of operation, this is an attempt to by-pass the process/environmental requirements - assessed in section 3.3(a) and found that the planning permission has not lapsed and remains valid for its operation as a quarry.
- Noise - additional noise impact and disturbance on neighbouring residents - assessed in section 3.3(d) and found that the proposed changes to the conditions would maintain an acceptable level of noise impact on the occupants of the nearest dwellings.
- Dust - in the past this quarry produced a considerable amount of dust - assessed in section 3.3(d) and found that the proposed

application would not impact on the existing levels of dust impact on the on the occupants of the nearest dwellings.

- Vibration - additional vibration impact on residential buildings and other infrastructure - assessed in section 3.3(d) and found that the proposed application would not impact on the existing levels of vibration impact on the on the occupants of the nearest dwellings.
- Impact - blasting 9-4 every day and over 200 Lorries every day - assessed in section 3.3(d) and found that the proposed restrictions identified in the amended planning conditions, controlling the future operation of the quarry, would not have a detrimental impact on the occupants of the nearest dwellings.
- Surrounding area - significant changes in character since the original permission; more and closer houses - assessed in section 3.3(e) and found that this application could not take account of such matters and that any impact could be mitigated through the revised noise conditions.
- Proximity - to local conservation area, semi ancient woodland, Ratho Primary School grounds, and the Union Canal (a scheduled monument) - assessed in section 3.3(e) and found that the intervening Craigpark Quarry meant that there would be no detrimental impact on these identified areas.
- Protected species - site of Great Crested Newts, Otters, Voles, Kestrels, Peregrine Falcons, Badgers, and Short Eared Owls - assessed in section 3.3(f) and found that suitable protection and mitigation measures have been proposed to protect the relevant species found within proximity of the site.
- Traffic - additional HGV traffic on local roads that cannot cope; these are already in a state of disrepair; road safety - assessed in section 3.3(h) and found that the increase in traffic would not be detrimental to issues of road safety in the vicinity of the application site.
- HGV manoeuvres - no right turn into the quarry so quarry lorries turned in the EICA junction - assessed in section 3.3(h) and found that HGV manoeuvres within the public road are not matters for control under the Planning Act.
- Agreed HGV routes - in the past lorries took non-approved routes, Ratho, Wilkieston and Clifton Road - assessed in section 3.3(h) and found that there are no 'approved routes' imposed on the operation of this quarry.
- If approved - there should be strict conditions limiting the roads that can be used to and from the quarry - assessed in section 3.3(h) and found that such a condition here would be unlawful.

– **Material Representations: Support**

- Mineral reserves - these should not be sterilised - assessed in section 3.3(a) and found that policy RS 5 of the Edinburgh Local Development Plan supports quarry development on this site.
- Jobs - reopening will create jobs and a positive economic boost to the area - assessed in section 3.3(a) and found that policy RS 5 of the Edinburgh Local Development Plan supports quarry development on this site.
- Environmental statement - satisfied with professional supporting documents that there will be no significant adverse impact - assessed in section 3.3(b) and found that sufficient impact mitigation has been proposed with the application.

CONCLUSIONS

In conclusion, the proposal is in accordance with the provisions of development plan policies. The proposed amendments, both set out by the operator and those to bring the conditions up to present standards, especially in terms of ensuring the monitoring of activities, would result in an acceptable form of conditional permission for the future operation of the site.

The changes, in accordance with the provisions of the submitted Environmental Statement, would also ensure quarrying operations comply with national guidance and local non-statutory guidance, preserve the character and appearance of the landscape and the ecology of its surroundings and would not prejudice road safety or residential amenity. There are no material considerations which outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

1. The developer shall comply in full with the provisions of the 'Mineral Working Conditions' (conditions 22-31 below) as recommended by the Department for Agriculture and Fisheries Scotland (DAFS).
2. The mounds and environmental bunds to be formed along the western boundary of the site (as detailed in drawing 1704-S106-BON-D-201 RevA), composed of the soil and overburden from the site, shall be constructed in full, prior to the recommencement of any extractive quarrying operations within the area marked 'Mineral Worked' (as detailed in drawing 1704-S106-BON-D-202 Rev A).
3. No blasting or drilling operations shall be carried out on the site except between the following times:
 - Mondays to Fridays: 10:00 and 16:00 hours.

There shall be no blasting or drilling operations on Saturdays or Sundays.

This condition shall not apply in cases of emergency when it is considered necessary to carry out blasting operations in the interests of safety. The planning authority shall be notified of such events as soon as practicable after such an event including details of the nature and circumstances justifying such an emergency event.

4. There shall be a maximum of 3 blasts per week, with an average over any period of 12 months of 2 blasts per week.
5. Prior to the commencement of blasting, monitoring points of approved mobile equipment shall be provided, subject to the following:
 - a) the location of the monitoring points shall be those as agreed with the Planning Authority.
 - b) the monitoring process shall be carried out for the duration of blasting at the quarry including the 15 minutes immediately prior to and the 15 immediately following the duration of any blasts.
 - c) all record sheets shall be available at the quarry office for inspection at all reasonable times and be submitted to the Planning Authority on a quarterly basis.
 - d) the Planning Authority shall be afforded reasonable access to the equipment insofar as such access is subject to statutory regulations.
6. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mms^{-1} in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of 12 mm^{-1} as measured at vibration sensitive buildings. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building. Details of the results of all on site blasting operations, including those required by the provisions of conditions 7 and 8 below, shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
7. The gas pipeline which passes near the south west of the appeal site shall not be subjected to a resolved peak particle velocity in excess of 25mm/s measured as the maximum in any one plane on the pipe. Compliance with this criterion shall be ascertained by measurement on the ground surface immediately above the buried pipeline, where a resolved peak particle velocity of 37.5mm/s shall not be exceeded.
8. Blasting practices shall be such that under appropriate measurement conditions the peak linear overpressure level of 120dB shall not be exceeded as measured at the nearest noise sensitive premises.
9. Suitable modern dust suppression or collection equipment shall be installed on all relevant plant, and shall be regularly maintained in accordance with the manufacturers' recommendations, to ensure its efficient operation.
10. All conveyors shall be adequately enclosed.
11. An adequate number of portable water sprayers shall be provided for the damping down of stockpiles, areas adjacent to the crushing plant and internal haul roads.

12. In order to prevent spillage and wind blown dust from lorries, all such loads shall be adequately sheeted prior to leaving the site.
13. The hours of operation shall be restricted to:
- a) for normal quarry operations:
 - Monday - Friday : 07:00 - 19:00
 - Saturday : 07:00 - 19:00
 - b) for fixed plant only:
 - Monday - Friday : 07:00 - 19:00
 - Saturday : 07:00 - 19:00
 - Sunday : 10:00 - 14:00
- or such longer times as may be agreed with the Planning Authority if lower noise emission levels from the fixed plant permits.
14. All plant and machinery will operate only in the permitted hours, except in emergency, and shall be silenced at all times in accordance with the manufacturers' recommendations. Details of all cases of emergency operation on site shall be recorded by the developer and be submitted to the Planning Authority as soon as practicable after such an event including details of the nature and circumstances justifying such an event.
15. a) That with respect to the control of noise resulting from the operations during the permitted hours of operation stated in Condition 14, the nominal noise limit from site operations shall not exceed the following, when measured free field over any one hour period:
- Clifton Cottage 45 dB(A) L_{Aeq} ,
 - Bonnington Mains Farm 52 dB(A) L_{Aeq} ,
 - Craigpark Housing Development 52 dB(A) L_{Aeq} ,
 - Park Ranger Lodge 52 dB(A) L_{Aeq} ,
 - Ratho Mains Farm 51 dB(A) L_{Aeq} ,
- b) Notwithstanding the terms of part (a), that during temporary operations, such as soil stripping operations, the nominal daytime noise limit from site operations, shall be no more than 70dB L_{Aeq} over anyone hour period for a maximum of 8 weeks per year.
- c) Details of all noise measuring and monitoring records shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
16. Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1 as constructed on site so as to provide that heavy goods vehicles may leave the site only by turning tight to, and enter the site only turning left from, the B7030 road.
17. The rate of extraction of material shall be restricted to 375,000 tonnes per annum. Details of the quantity of all extracted material from the quarry shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.

18. That within 5 years of the date of this permission, a plan illustrating the proposed final restoration of the site, incorporating all of the requirements contained within the provisions of Conditions 32-44 below (the Restoration Conditions), shall be submitted to and approved by the Council as Planning Authority. Thereafter, the approved restoration plan shall be reviewed every 10 years. The site shall then be restored in accordance with the last approved restoration plan within 24 months of the cessation of the permitted operations.
19. That all extraction operations on the site shall be discontinued on or before 3 September 2050, as stipulated by the provisions of paragraph 1(2) of Schedule 3 of the Town and Country Planning (Scotland) Act 1997, and no later than a date 24 months from that discontinuance date, the entire site shall be restored in accordance with the approved Restoration Plan as agreed by the provisions of Condition 19 above.
20. Within 12 months from the completion of operations, all plant, machinery and buildings shall be removed from the plant site and stockpile areas, which shall be left in a neat and tidy condition.
21. Restoration following completion of extraction operations shall comply with 'Restoration Conditions' (conditions 32-44 below) as recommended by the Department for Agriculture and Fisheries Scotland (DAFS).
22. The Applicant shall make stock proof and maintain until the restoration is completed, all the existing perimeter hedges, fences and walls, and shall protect the same from damage.

Where the site boundary does not coincide with an existing hedge, fence or wall, the Applicant shall provide and maintain, until the restoration is completed, stock proof fencing with gates or cattle grids at every opening.

Hedgerows within or bounding the site shall be carefully maintained, cut and trimmed at the proper season throughout the period of working and restoration of the site.

23. Topsoil and subsoil must only be stripped when these soils are in such a condition of dryness which will enable the soils to be moved without damaging the structure of the soils.
24. Bind-free soil forming material found during the course of the proposed operations shall be recovered where practicable and stored for use in the final restoration of the land. This material shall be used to replace shortages of subsoil, or used to cap the overburden where there is adequate subsoil and topsoil. This material to be used to achieve a minimum topsoil and subsoil depth of 1.0 metre at restoration.
25. Topsoil, subsoil, soil forming material and overburden shall be carefully stored in separate dumps and prevented from mixing. Topsoil dumps shall not exceed 6 metres in height.

Topsoil and subsoil dumps shall be evenly graded, and tops shaped to prevent water ponding. Topsoil dumps shall be seeded to grass.

The soil storage mounds, haul roads and site access roads shall be fenced off so that during construction of the mounds and operation of the quarry no traffic will have access to the remainder of Field 2100/3174. Upon completion of stripping operations the haul roads within Field 2100/3174 should be rooted and soil retained. Any disrupted field drains shall be reinstated. These areas should be rooted at each stage and stones exceeding 200mm in any one direction removed from the topsoil. Fencing should then be removed from reinstated haul road routes.

26. Topsoil shall be retained on the site and none shall be sold off or removed from the site. After stripping and formation of storage dumps, they shall be fenced off and the quantities shall be measured and the volumes and locations made known to the Planning Authority and to the agricultural occupier concerned.
27. All weeds on the site, including particularly those on the topsoil and subsoil dumps, shall be treated with weed killer or cut to prevent spreading within the site or to adjoining agricultural land.
28. Throughout the period of working, agricultural restoration and aftercare, the applicant shall protect and maintain any ditch, stream, water course or culvert padding through the site so as not to impair the flow nor render less effective drainage on to and from adjoining land.
29. Provision shall be made at all times to ensure that underdrainage is maintained for land outwith the working area. Standing water must not be allowed to gather on any areas with the whole site where the topsoil and subsoil have not been stripped.
30. Alternative arrangements shall be made for any interruption of drainage systems serving land adjacent to the site.

New interceptor leaders shall be laid, or ditches cut, where required, to ring the site and bleed-in existing lateral drains from adjoining undisturbed land.

31. Any oil, fuel, lubricant, paint or solvent within the site shall be stored within a suitable bund or other means of enclosure to prevent such material from contaminating topsoil or subsoil or reaching any water course.
32. On completion of extraction to the approved levels, the quarry floor shall be rooted to break up compacted layers. Haul roads from the soil storage mounds within Fields 2100/3478 shall be fenced off to deny traffic access to the remainder of the field.
33. Progressive and even respreading of overburden shall be carried out following mineral extraction. The overburden shall be levelled and graded in accordance with the approved restoration contours, and shall have slopes adjusted to be free from the risk of both ponding and erosion. The overburden shall be rooted and cross-rooted to a depth of 300 millimetre with boulders and other impediments, exceeding 500 millimetre in any one direction, removed, carted off the site or buried in a stone hole.

34. Prior to the replacement of the subsoil all soil forming material conserved shall be spread evenly over the overburden and any large stones removed as described at Condition 35 above.
35. At least 600 millimetres of subsoil shall be spread on top of the over-burden. The subsoil shall be replaced in even layers. Each layer shall be separately rooted and cross-rooted with a heavy duty winged rooting machine with tines set no wider than 450 millimetres apart. Each rooting operation shall be sufficiently deep to penetrate at least 150 millimetres into the preceding layer. Any stones or boulders exceeding 200 millimetres in any one direction, or other material which would prevent or impede normal agricultural or land drainage operations, or the use of machinery for subsoiling or mole ploughing, shall be removed before topsoil is replaced. The surface of all layers shall be left in a loosened state to prevent sealing.
36. Topsoil shall be replaced to the original depth to achieve agreed land levels and configuration. The topsoil shall be rooted and cross-rooted to its full depth with stones exceeding 150 millimetres in any one direction being removed from the site or buried in a stone hole. All operations following replacement of topsoil shall be carried out by suitable agricultural machinery.
37. All operations to remove topsoil and subsoil from dump and to respreads in accordance with Conditions 36 and 37 shall be carried out when the ground and dump are dry, and conditions are otherwise judged by the Planning Authority or their agent to be suitable. Earth moving machinery should travel to and from the soil dumps along clearly defined routes. These routes must be rooted before being covered with the next layer of subsoil or topsoil. When the vehicle is emptied after spreading subsoil or topsoil, the driver must immediately turn off on to overburden or subsoil areas respectively. On sloping land the direction of travel of machines should be parallel to the contours to minimise erosion.
38. Upon completion of extraction works, all site access roads, fixed plant, machinery and buildings, shall be removed from the site. All areas involved shall be subject to the full restoration treatment.
39. The site shall be restored only in accordance with the Restoration Plan approved in accordance with Condition 19 and the works and specification outlined in that Plan.

Facilities installed in accordance with the Restoration Plan shall be maintained to the satisfaction of the Planning Authority until the end of the Aftercare Period.

40. The site shall be restored only in accordance with the Restoration Plan approved in accordance with Condition 19 and the works and specification outlined in that Plan.

Facilities installed in accordance with the Restoration Plan shall be maintained to the satisfaction of the Planning Authority until the end of the Aftercare Period.

41. Diverted water courses shall be restored to the original or agreed alternative line and measures shall be taken to prevent erosion of banks and beds.

42. After replacement of topsoil in accordance with Conditions, chemical analyses of the soils shall be carried out by an approved agency to assess the fertiliser, lime and other major and minor nutrients required to promote the establishment and growth of appropriate plants for the agreed land use.

The land shall be cultivated using agricultural machinery, to prepare a seed bed suitable for the sowing of grass seeds. During the cultivation process, any stones with a dimension larger than 150 millimetres shall be removed together with other obstructions to future cultivation. Lime, fertilisers and other plant nutrients shall be applied in accordance with the recommendations of the approved agency carrying out the soil chemical analyses so that the soil is sufficiently fertile to permit the chosen programme of restoration.

Where no soil analyses results are available, a minimum of 7.5 tonnes of ground limestone, 190 kilograms of phosphoric acid (P₂O₅) and 400 kilograms of balanced compound fertiliser shall be applied per hectare.

The land will be sown to a short term grass seeds mixture, the basis of which should be perennial rye grass and white clover.

43. Restoration shall not be considered to have been completed until all the aforementioned operations have been carried out to the satisfaction of the Planning Authority.
44. An Aftercare Scheme shall be submitted in accordance with the Act for the approval of the Planning Authority, when final restoration contours have been achieved.

Reasons:-

1. In order that the quarry workings on the site are carried out in full accordance with best practice and the provisions of Planning Advice Note 50: "Controlling the Environmental Effects of Surface Mineral Workings."
2. In order to provide the necessary noise mitigation measures to permit the recommencement of quarrying operations on the site.
3. In order to control the times when blasting can be carried out on site so as to protect the amenity of the occupiers of neighbouring properties and to ensure safe blasting practice is carried out on the site at all times.
4. In order to control the number of blasting events that area carried out on site so as to protect the amenity of the occupiers of neighbouring properties.
5. In order to control the times when blasting can be carried out on site so as to protect the amenity of the occupiers of neighbouring properties.
6. In order to control vibrations from blasting within the site so as to protect the amenity of the occupiers of neighbouring properties.

7. In order to protect existing gas infrastructure within proximity of the quarry site.
8. In order to control vibrations from blasting within the site so as to protect the amenity of the occupiers of neighbouring properties.
9. In order to protect the amenity of the occupiers of neighbouring properties.
10. In order to protect the amenity of the occupiers of neighbouring properties.
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12. In order to protect the amenity of the occupiers of neighbouring properties.
13. In order to protect the amenity of the occupiers of neighbouring properties.
14. In order to protect the amenity of the occupiers of neighbouring properties.
15. In order to protect the amenity of the occupiers of neighbouring properties.
16. In order to ensure that heavy goods vehicles entering and leaving the site are suitably routed to the principal road network.
17. In order to control the numbers of heavy goods vehicles generated by the site and to protect the amenity of the occupiers of neighbouring properties.
18. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
19. In order to suitably control the duration of the quarrying operations on the site and in order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
20. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
21. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
22. In order to ensure that the site is suitably secured for Health and Safety reasons.
23. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
24. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
25. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
26. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.

27. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
28. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land outwith the site so as to mitigate disruption from the quarrying operations on the site.
29. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land outwith the site so as to mitigate disruption from the quarrying operations on the site.
30. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land outwith the site so as to mitigate disruption from the quarrying operations on the site.
31. In order to mitigate potential pollution events from the quarrying operation on the site.
32. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
33. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
34. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
35. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
36. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
37. In order to prevent damage to soil structure due to trafficking with heavy vehicles, plant or machinery and to ensure that there is an acceptable means of restoration plan for the site and its after use.
38. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
39. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
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41. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land outwith the site so as to mitigate disruption from the quarrying operations on the site.

42. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
43. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
44. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been considered and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 19 January 2018 and attracted twelve letters of representation received from eleven individuals. Nine representations raised objections to and three were in support of the application.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan - Defined Minerals site in the Countryside policy area and set to the north of a defined Special Landscape Area.

Date registered

22 December 2017

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: John Maciver, Senior Planning Officer

E-mail:john.maciver@edinburgh.gov.uk Tel:0131 529 3918

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

LDP Policy RS 5 (Minerals) outlines the circumstances development to extract minerals from quarries will be permitted.

Appendix 1

**Application for Planning Permission 17/05930/FUL.
At Bonnington Mains Quarry, Cliftonhall Road, Newbridge.
Section 42 application for proposed variation to conditions
5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4
September 1990) to amend noise + vibration limits, postpone
submission of final restoration plan + clarify period for
completion of all mineral operations to 31 December 2050.**

Consultations

Ratho and District Community Council

Ratho and District Community Council is fully aware that conditional planning permission was granted on appeal in September 1990 for the operation of the Bonnington Mains Quarry, Ratho, including the erection of plant and ancillary structures, and can readily recall the history of operational activity at the quarry until the closure of operational activities in 2011. At present the site, which is situated close to the western boundary of Ratho Village, consists of a deep flooded excavation and is separated from the adjoining redundant Craigpark Quarry by a headland of rock.

This Planning Application has been made under Section 42 of the Town and Country Planning (Scotland) Act 1997 to operate the quarry in accordance with conditions which differ from the approved planning conditions. Ratho and District Community Council has publicised this proposal on its social media channels and feedback from local residents are incorporated in the comments below. To date the Community Council has received no communication from the Applicant or their Agents regarding the planning application and their operational aspirations.

Whilst the Community Council is sympathetic to the long term need for locally sourced good quality rock aggregates, concrete products and coated roadstone materials and welcomes the prospect of direct and indirect employment opportunities associated with this project, the Community Council, in representing the local community, has significant concerns about the public safety, public amenity, environmental impacts and transportation consequences involved in the proposals.

Since the cessation of operations at Bonnington Mains Quarry in 2011, a range of topographical changes have occurred in that local area that serve to add credence to our concerns. The changes are summarised as follows:

- A high quality housing development comprising of some 120 private residential dwellings is currently being constructed, as an extension to the western boundary of Ratho Village, on elevated ground above Craigpark Quarry. The nearest house is situated some 240 metres from northern perimeter of Bonnington Mains Quarry. It is interesting to note that the housing developer, in*

advertising this "idyllic development" states that it offers "tranquil, luxury living at its best".

- Planning Permission has been granted for the infilling of Craigpark Quarry with inert waste materials to form a publicly accessible country park for the benefit of the community at large. Completion of the Public/Country Park is expected in June 2018.*
- Planning permission has been granted, subject to legal agreement, for the erection of a Manager's Office/Residence and associated agricultural building within the confines of the Public/Country Park adjacent to Wilkieston Road. This development has been completed and the house is fully occupied.*
- A planning application (Ref: 17/02471/FUL) has been submitted for the erection, within the above Public/Country Park, of an outdoor leisure complex including water sport and training facilities, infrastructure, pedestrian and vehicular accesses, landscaping and ancillary works including retail and food and drink facilities. The proposed leisure facilities include a novel 'wave garden', zip-wire and ski slope, bicycle skills track, camping pods, adjacent canal moorings as well as customer retail facilities. This prestigious proposal is expected to create some 52 jobs and generate at least 155,000 visitors per year to the Country Park.*
- The above planning application (Ref: 17/02471/FUL) also includes the erection of 31 luxury lodges within the country park located near to the boundary of Bonnington Mains Quarry. It is our understanding that the lodges, if approved, will be offered for private sale and/or lease arrangements and that their inclusion is now considered an integral foundation for the success of the proposed outdoor leisure complex.*
- It is proposed that the sole vehicular access to the Public/Country Park, outdoor leisure complex and luxury lodge accommodation, for both visitors and construction traffic, will be taken on a shared basis along the existing access to the Edinburgh International Climbing Arena (EICA). This access road adjoins the B7030 (Cliftonhall Road), which already has a history of accidents (including one fatality), at a location some 230 metres from the exit/entry location to/from the applicant's site. The cumulative effect on the B7030 of the 200-350 HGV daily movements to/from Bonnington Mains Quarry and the significantly increased numbers of visitors attending EICA, the Public/Country Park and Outdoor Leisure Complex appear not to have been fully considered in the applicant's submission. The traffic impact on the already heavily congested Newbridge Roundabout also needs to be considered.*
- Information from local residents about the existence of protected species in the direct locality of Bonnington Mains Quarry does not fully accord with the Applicant's Environmental Statement.*

Concerns have been expressed to the Community Council about the effect of quarrying operations on wildlife and protected species and the lack of a stated strategy to ensure their protection during the operation of the quarry and its associated infrastructure.

In regard to the specific proposed variation to conditions 5, 8, 18, 22 and 23 of the planning permission granted on 4 September 1990, the Community Council has the following observations to make:

Conditions 5, 8 & 18 - Blasting Operations, Noise and Vibration (Peak Particle Velocity)

The Applicant invites approval for the hours for blasting operations (non-emergency) at the quarry from 10:00 to 16:00 hours Monday to Friday and 10:00 to 12:00 on Saturdays. Changes are also sought to the blasting peak particle velocity limit set by the Reporter at 2.5mm/s to a new limit of 10mm/s over any period of 6 months at neighbouring vibration-sensitive buildings.

- *The Community Council has concerns about the impact and effect of blasting on the community and local countryside as a whole and more specifically on the above-mentioned housing development, Public/Country Park, proposed outdoor leisure facilities and holiday accommodation located near to the quarry. It should be noted that the Reporter, in his findings, considered that it was not unreasonable for relatively strict standards to be imposed. It is noted that Condition 6 allowed for a maximum of three blasts per week, with an average over any period of twelve months of two blasts per week. The Community Council would wish to see this constraint explicitly continued and enforced, should the Council be minded to grant the application.*

- *The Reporter considered that residential amenity is of considerable importance and that peak particle velocity should not exceed 2.5 mm/s. No justification for not continuing these relatively strict standards has been offered by the Applicant.*
- *Residents, many of whom were inconvenienced by the previous quarry workings in this area, are concerned about the potential for dust generation and ground vibrations causing damage to properties i.e. cracking of walls. The potential for exhaust odours from the Asphalt Plant is also of concern to local residents.*
- *Detailed public engagement by the Applicant should be carried out with the local community to fully appreciate the community's concerns about blasting and other operational practices on this site and to explain the proposed methodology and requisite control arrangements.*
- *The Community Council recommends that no blasting should be permitted at weekends. To allay public concerns, the Applicant should be required to demonstrate by test blasting the physical vibration, dust generation and noise implications of their blasting and wider operational proposals.*

- *It is claimed that the developer of the 31 luxury lodges has agreed to build an acoustic fence and to form a bund to mitigate the effect of noise from operations in Bonnington Mains Quarry. In the event that planning permission is not given to the erection of the luxury lodges, what mitigation measures are proposed to similarly protect the Public/Country Park and Outdoor Leisure Complex users?*

Condition 22 & 23 - Time Period of Operations & Restoration Plan

- *Ratho and District Community Council wishes to be consulted at an early stage on any discussions/proposals about the restoration or future use of the Bonnington Mains Quarry site.*
- *Under current planning conditions all operational traffic servicing the Bonnington Mains Quarry is routed to/from the Newbridge area via the B7030, thus avoiding the weight restrictions in Ratho Village and traffic congestion at Wilkieston B7030/A71 Junction. These conditions should be further reinforced as residents recall HGV vehicles routinely entering and exiting the site to/from the south, contrary to instructions given to contractors.*
- *Consideration should be given to the Applicant being required to provide a bond or other such instrument covering all costs associated with the removal of all mechanical plant and buildings from the site and the reinstatement of all operationally affected areas of land.*

Summary,

In light of the said topographical changes, including new housing and high profile sport and tourism proposals in the immediate locality of Bonnington Mains Quarry, residents of Ratho and the Ratho and District Community Council has serious reservations about the proposals to recommence mineral extraction and to develop other proposed industrial activities in the Quarry. The potential consequences on residents, visitors and the environment generally in terms of noise, vibration, smell and dust, together with the associated transport/traffic implications particularly on the B7030 Cliftonhall Road and Newbridge Roundabout, are all of particular concern. Indeed the intended operational methodology at the site, deploying the potential for blasting six days per week, appears totally incompatible with the wider development and tourism aspirations for that area. It is of further concern to the Community Council that the Applicant appears not to have appreciated the likely level of concern amongst residents locally and of the need to engage with the community on their proposals.

In the event that the Council is minded to give approval to the proposed variation of planning conditions pertaining to the site, the Community Council requests that the various matters of concern identified in this letter are fully taken account of.

Edinburgh Airport

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.

Scottish Environmental Protection Agency (SEPA)

Advice for the planning authority

We have no objection to this planning application. Please note the advice provided below.

1. Flood Risk

1.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect City of Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

Technical Report

1.2 We previously provided advice to this application at the scoping opinion on the 31 of October 2016. We stated that the site was within the medium likelihood of the SEPA Flood Maps, and recommended that pumping should be assessed and contact to be made with Scottish Canals. We also recommended investigation into surface water flood risk and to contact the flooding officers in Edinburgh Council.

1.3 Review of the Environmental Statement chapter 8 considers hydrogeological and hydrological impacts, including flood risk. Within this chapter is it stated that no stockpiling will be near the drain in the northern part of the site, which we support.

1.4 Any surface water runoff will be directing into the quarry void, which in turn will be dewatered into the settlement lagoons before a controlled discharge at Greenfield runoff rates to the drain, which we also support.

1.5 Water levels within the quarry void will be monitored to begin with daily, then monthly. Any changes in nearby water levels at the proposed lagoon at Craigpark Quarry or seepages that appear, water levels will be monitored in the lagoon and the possibility of pumping water into the lagoon may be required.

1.6 A runoff and drainage assessment has been undertaken. Any drainage or SUDs proposed are for the council to satisfy themselves that the arrangements will be appropriate and in accordance with any internal guidance.

Caveats & Additional Information for Applicant

1.7 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the

community level and to support planning policy and flood risk management in Scotland. For further information please visit:
<http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

1.8 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

1.9 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from:
<http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>

2. Groundwater

2.1 The proposed extraction of quartz dolerite will require dewatering of the quarry void to facilitate dry working, water will be pumped to existing settlement ponds to the north of the void. Clean water will be used for dust suppression and mineral processing, excess will be discharged (maximum 753m³/d) to a tributary north of the site (existing CAR/L/1001493), the tributary then discharges into the Union Canal 510m to the north. Extraction of quartz-dolerite at Bonnington Mains Quarry occurred from 1995 - 2010, with the base of quarry void currently around 65mAOD. The void has filled with water since extraction ceased. Future operations involve further deepening of the existing void to 29mAOD (45m below natural ground level).

2.2 There are no unacceptable impacts relating to hydrogeological issues identified from the proposed activities.

2.3 Dewatering

2.3.1 A registration under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR) will be required even if the calculated groundwater dewatering component is <50m³/d, this has been acknowledged in Section 8.161 of the ES. Dewatering is planned during excavation to maintain dry working conditions, it should be undertaken in compliance with General Binding Rule (GBR) 2 and 15.

2.3.2 A means of demonstrating the groundwater abstraction volume should be developed - guidance for calculations can be found in Annex 1 of SEPA's Regulatory Method WAT-RM-11 on Licensing Groundwater Abstractions. Section 8.204 of the ES states that the groundwater component will be calculated through the recording of dewatering rates in comparison with recent rainfall. The applicant also proposes to drill a minimum of three boreholes to monitor groundwater levels in the Calders Member and Quartz Dolerite intrusion.

2.3.2 It should be noted that due to the significant increase in the depth of the void if the contact between the quartz-dolerite and Calders Member is breached during

excavations the volume of groundwater flow to the void could increase and a CAR licence may be required if groundwater dewatering volumes exceed 50m³/d.

2.4 Private Water Supplies

2.4.1 There have been no private water supplies, groundwater abstractions or Groundwater Dependent Terrestrial Ecosystems (GWDTE's) identified within 2.9km of the site. Both City of Edinburgh and West Lothian Councils were consulted in June 2017. Four groundwater supply abstractions have been identified in the study area, however the risk to these sites is considered negligible:

<u>Name</u>	<u>Easting</u>	<u>Northing</u>	<u>Distance</u>	<u>Source</u>	<u>Usage</u>
Easter Newton	312300	6666900	2.9km S	Spring Well Unknown	Domestic
Newhouse	314600	667700	2.9km SE	Borehole	Domestic

Regulatory advice for the applicant

3. Regulatory requirements

3.1 The discharge from the settlement lagoons will be required to re-join SEPA's compliance sampling schedule. The operator must provide SEPA at least one month notice prior to any discharge commencing.

3.2 We support the proposed operator monitoring and reports of discharges and groundwater abstractions to SEPA in addition to SEPA's compliance efforts.

3.3 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

Silvan House, SEPA 3rd Floor, 231 Corstorphine Road, Edinburgh, EH12 7AT, tel: 0131 449 7296

Scottish Natural Heritage (SNH)

Our comments relate only to any potential significant natural heritage impacts arising from the amendment of these conditions.

Ecology

Bats

We note that further surveys are to be done for bats as the fissures and crevices in the quarry face are considered suitable for roosting and hibernating. Depending on the outcome of these surveys, a licence may be needed from us. Once the results of the

further surveys are complete, and, if necessary, a species protection plan drawn up, we will be happy to advise but only if you are uncertain about:

- the adequacy of the survey and protection plan;
- whether a species licence will be needed; or
- the prospects of a species licence being granted.

See the licensing pages of our website for more information:

<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/european-protected-species-licensing>

Bats and blasting activities

Paragraph 7.191 of the ES says that as quarrying takes place during the day, there is no significant effect expected on bats from noise. However, depending on whether bats are present in the quarry face, blasting activities could disturb them while they are roosting and we suggest that this potential impact on the bats should be considered.

Other protected species

We agree with the mitigation recommendations with regards to other protected species and we can advise further if needed.

Alpine newt (*Ichthyosaura alpestris*)

We note the high numbers of Alpine newt which were found on site. Alpine newts are a non-native species which can spread disease to native amphibians. It is therefore important that a method statement is drawn up describing the capture process and including a biosecurity protocol, based on Advice Note 4: Amphibian Disease Precautions: A Guide for UK Fieldworkers.

<https://www.arc-trust.org/Handlers/Download.ashx?IDMF=ff5aaa14-3ca6-4a99-b813-4dcc99489f64>

The site is not considered to hold any great crested newts.

Restoration

We note the uncertainty over outcomes with regard to the eventual restoration of the site. We recommend that clarity over proposed methods for delivery should be sought and secured through appropriate mechanisms, possibly including a suitably scaled financial bond.

Landscape and visual

Proposals for enhancing the existing vegetative screening, and management of the planned native tree and shrub cover, should be secured to ensure that it is of lasting quality.

Environmental Assessment

The applicant has submitted a Section 42 planning application to vary conditions 5, 8, 18, 22 and 23 attached to planning permission P/PPA/LA/643. The application seeks to amend the permitted hours of blasting, amend the permitted vibration levels of blasting operations, amend the permitted noise levels from operations, and also clarify the duration of the planning permission until 2050.

The site lies just to the south of Craigpark Quarry, which has received planning permission to restore the quarry for public amenity use and to build a housing development. There are existing residential properties at Bonnington Mains to the South-west of the quarry, and the village of Ratho lies just over 500 metres away to the north-east.

In 1996, the Scottish Government published Planning Advice Note (PAN) 50: Controlling the Environmental Effects of Surface Mineral Workings. This document sets out example minimum and maximum noise and vibration levels from mineral operations, including blasting.

Through discussions with the applicant, Cemex, this Department has agreed that the strictest standards highlighted in PAN 50 will be adhered to for this site, to minimise disruption to the amenity of nearby residents.

Environmental Protection therefore has no objections to the application subject to the following conditions:

6. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mms^{-1} in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of 12 mms^{-1} as measured at vibration sensitive buildings. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building. Details of the results of all on site blasting operations, including those required by the provisions of conditions 7 and 8 below, shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.

16. a) That with respect to the control of noise resulting from the operations during the permitted hours of operation stated in Condition 14, the nominal noise limit from site operations shall not exceed the following, when measured free field over any one hour period:

- Clifton Cottage 45 dB(A) L_{Aeq} ,
- Bonnington Mains Farm 52 dB(A) L_{Aeq} ,
- Craigpark Housing Development 52 dB(A) L_{Aeq} ,
- Park Ranger Lodge 52 dB(A) L_{Aeq} ,
- Ratho Mains Farm 51 dB(A) L_{Aeq} ,

b) Notwithstanding the terms of part (a), that during temporary operations, such as soil stripping operations, the nominal daytime noise limit from site operations, shall be no more than 70dB L_{Aeq} over anyone hour period for a maximum of 8 weeks per year.

c) Details of all noise measuring and monitoring records shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.

Archaeology

Having assessed the accompanying Cultural Heritage report undertaken by AOC and forming chapter 12 of CEMEX's EIA, I concur with their conclusions that this proposal will have no known significant archaeological impact.

Transport

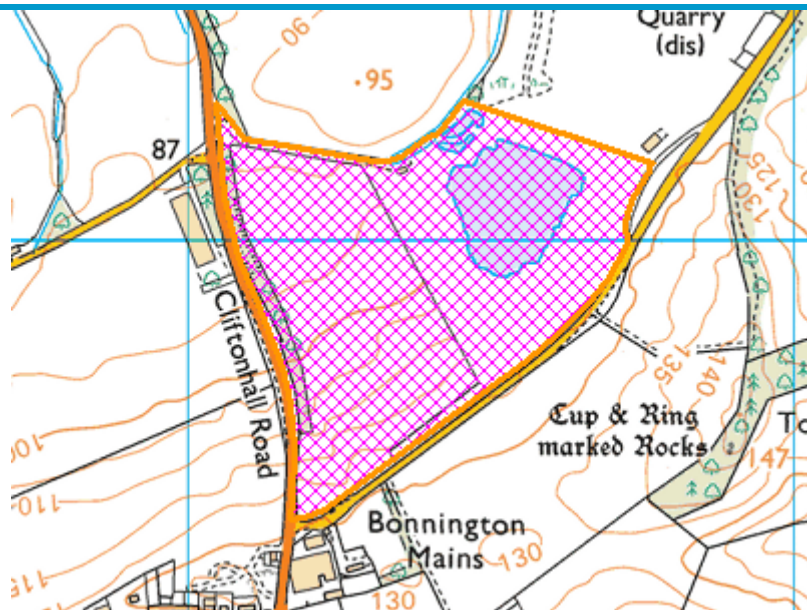
Has no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *The applicant should be informed that prior to carrying out any works affecting the footway or carriageway, a Minor Roadwork's consent must be applied for and secured and must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of: http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders*

Note:

The applicant should note that they will be expected to ensure that mud and other debris is not deposited on the road (Section 95 of the Roads Scotland (Act) 1984 relates). Wheel washing equipment may be appropriate.

Location Plan



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END

Development Management Sub Committee

Wednesday 1 August 2018

**Application for Planning Permission 18/01609/FUL
At 34 Canaan Lane, Edinburgh, EH10 4SU
Creation of a door opening on the rear boundary wall to
Jordan Lane.**

Item number	4.2
Report number	
Wards	B10 - Morningside

Summary

The proposal complies with the local development plan and the Council's non-statutory guidance. There is no adverse impact on the character and appearance of the Morningside Conservation Area and there is no impact on neighbouring amenity. There are no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN06, CRPMON, LDES12, NSHOU, NSLBCA,
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Report

Application for Planning Permission 18/01609/FUL At 34 Canaan Lane, Edinburgh, EH10 4SU. Creation of a door opening on the rear boundary wall to Jordan Lane.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application relates to a semi-detached dwelling house which is sited within a long narrow plot between Canaan Lane and Jordan Lane, which is a dead end street approximately 270m in length.

When entering Jordan Lane from Morningside Road, the streetscape is characterised by four storey tenement buildings on the northern side and a mix of detached and semi-detached bungalows on the southern side. Approximately 157m from the street entrance, the street frontage to the north changes from four storey tenement buildings to the rear boundary walls of the residential dwellings on Canaan Lane. The residential dwellings on the southern side of Jordan Lane at this point change from bungalows to two storey terraced dwellings. The frontages of these dwellings are characterised by pedestrian entrances, conservatories, iron fences and low hedges.

The rear boundary stone wall of Canaan Lane that leads onto Jordan Lane is approximately 2m in height and 62m in length. The stone wall is characterised by 5 pedestrian and vehicular access points, serving properties on Canaan Lane and one on Jordan Lane. The section of wall related to this application is partially missing and is boarded up with building materials across the space.

This application site is located within the Morningside Conservation Area.

2.2 Site History

14th January 2016 - enforcement enquiry into alleged removal of boundary wall and formation of access closed - (16/00012/EOPDEV).

Main report

3.1 Description Of The Proposal

The proposal is to create a pedestrian access in the boundary wall fronting Jordan Lane. This will involve the removal of rubble at the existing partial opening with a new

stone lintel. A solid timber gate is proposed. Within the garden ground, new concrete steps and rail will be formed to get access from the garden to the gate.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The proposed scale, form and design is acceptable, would accord with neighbourhood character and would preserve or enhance the character and appearance of the Conservation Area.
- b) The proposal will cause unreasonable loss to neighbouring amenity;
- c) Any impacts on equalities or human rights are acceptable;
- d) Any impacts on traffic are acceptable;
- e) Any comments received have been addressed;

a) Scale, form and design

The Morningside Conservation Area Character Appraisal states that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

The northern side of Jordan Lane is characterised, to a considerable degree, by a high, random rubble, stone wall that runs for approximately 105 metres. The wall has a number of gated accesses, both pedestrian and vehicular within its length.

The proposed formation of a pedestrian entrance within the wall, with associated stone lintels, concrete steps and a metal hand rail within the garden of the property, would

form a modest and sympathetic addition to the streetscene. The door would be formed in timber, and would reflect many of the other examples that are found within the immediate vicinity.

The condition of the wall at the point in which the access would be formed is poor, with much of it collapsed and partially boarded up. The proposal would not only represent an acceptable addition in the street, but would also facilitate the repair of the wall and improve the visual amenity of the area.

The proposal is in accordance with LDP Policy Env 6 Conservation Areas - Development, Policy Des 12 Alterations and Extensions, the non-statutory Guidance for Listed Buildings and Conservation Areas and the Guidance for Householders.

It would have no detrimental impact upon the character and appearance of the Morningside Conservation Area.

b) Neighbouring amenity

The proposal was assessed in terms of neighbouring amenity. The proposal complies with the aims and objectives of the non-statutory guidance in relation to the protection of neighbouring residential amenity.

c) Equalities or human rights impacts

The application was assessed in terms of equalities and human rights. No impact was identified.

d) Traffic impacts

The proposal was assessed in terms of traffic impacts. The creation of an access point would have no adverse impact upon road safety by virtue of the entrance being for pedestrian traffic only.

e) Public comments

Non-material representations - Objection

- Postal issues; this is not a material consideration.
- There isn't a need for a rear access; this is not a material consideration.
- The current condition of the wall should be repaired, not as a pedestrian entrance; this is not a material consideration.
- Alleged inaccurate drawings; the drawings received satisfy the requirements of the Planning Department.
- Alleged future uses of the site; the Council cannot anticipate alleged future uses.
- Traffic issues; this is addressed in section d).

One comment was made with a neutral stance towards the proposal.

Conclusion

The proposal is in accordance with Development Plan Policy Env 6 and Des 12 in the adopted Edinburgh Local Development Plan, the non-statutory Guidance for Listed Buildings and Conservation Areas and the non-statutory Guidance for Householders. It would not have an adverse impact upon the character and appearance of the Morningside Conservation Area, neighbouring amenity, equalities, human rights and all public comments have been addressed.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27th April 2018. Seven representations objecting to the proposal have been received. A full assessment of the parts raised can be found in the assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan.

Date registered

13 April 2018

Drawing numbers/Scheme

01-02,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Conor MacGreevy, Planning Officer

E-mail:conor.macgreevy@edinburgh.gov.uk Tel:0131 469 3743

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

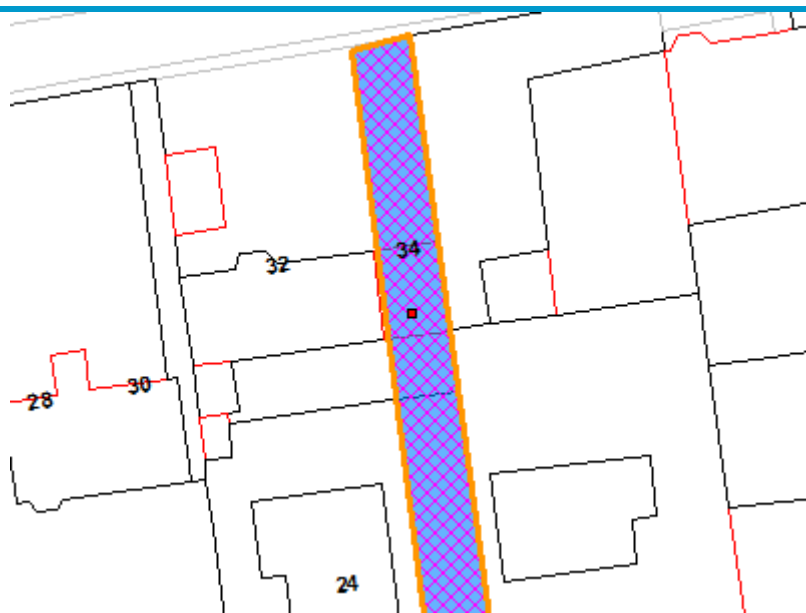
Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Appendix 1

**Application for Planning Permission 18/01609/FUL
At 34 Canaan Lane, Edinburgh, EH10 4SU
Creation of a door opening on the rear boundary wall to
Jordan Lane.**

Location Plan



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Development Management Sub Committee

Wednesday 1 August 2018

**Application for Planning Permission 18/01091/FUL
At 16 Cumberland Street South East Lane, Edinburgh, EH3
6RU
Erection of new dwelling house on vacant plot (as amended)**

Item number	4.3
Report number	
Wards	B11 - City Centre

Summary

The proposal complies with the Edinburgh Local Development Plan Policies and the non-statutory guidance, and will not adversely impact on the character and appearance of the conservation area; on the setting of other listed buildings; the Edinburgh World Heritage Site; on residential amenity or road safety. There are no other material planning considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDES01, LDES04, LDES05, LEN01, LEN03, LEN06, LEN09, LHOU07, LTRA02, NSP, NSGD02, CRPNEW,
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Report

Application for Planning Permission 18/01091/FUL At 16 Cumberland Street South East Lane, Edinburgh, EH3 6RU Erection of new dwelling house on vacant plot (as amended)

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site is located at the west end of Cumberland Street South East Lane where it turns to meet Cumberland Street. It is formed by two side-by-side rear garden plots which are flanked by a rubble stone wall to the west boundary and the gable of an existing mews cottage to the east. A stone garden wall divides the site north-south down the middle of the site. Two storey pitched roof cottages characterise the lane. Across the lane to the north are the walled back gardens of town houses in Cumberland Street.

The main terrace in Great King Street, behind which the mews site is located, is category A listed including the boundary walls. It was designed by Robert Reid and William Sibbald, 1814-23. It was listed on 15 July 1965 ref: LB28964.

The site is situated in the Edinburgh World Heritage Site - Northern New Town

This application site is located within the New Town Conservation Area.

2.2 Site History

July 1996 - Demolition of garage/store and build new mews, refused (planning reference A00190/96).

September 2001 - Minor amendments to mews building granted (planning references 01/02881/FUL+LBC).

September/October 2005 - Planning permission and listed building consent granted for alterations to existing dwelling (planning references 05/1716/FUL+LBC).

13 March and 16 April 2009 - Planning and listed building consent granted for new traditionally styled mews building and conversion of existing mews to additional hotel bedroom accommodation (planning references 08/4118/FUL+LBC).

21 April 2017 - Planning permission granted for the construction of a four apartment mews property for use ancillary to The Howard Hotel (planning reference 17/00269/FUL).

Main report

3.1 Description Of The Proposal

The proposal, as revised, is to erect a four bedroom mews dwelling in contemporary style with a pitched slated roof on the site of a previous garage at the back of what used to be the Howard Hotel before its current conversion to residential use. The building would take up two mews feus and be L shaped in plan form. It would measure a maximum of 16.8m wide x 12.5m. in depth with a small courtyard garden bounded by a new stone wall to the south. The site is 210 sq.metres in area.

Materials would be a mix of two types of stone finish: rubbed ashlar on first floor elevations and rustic channelled on the ground floor, with recessed vertical timber garage doors and door screens, plus grey window frames. The roof covering would be natural slate with recessed gutters.

Previous schemes:

Scheme 1

Recessed window on first floor to give visual break on the former feu line. Mix of smooth rubbed stone and rusticated. More horizontal treatment of ground floor timber and grill features.

Scheme 2

Amendment to materials, fenestration and building line, but retention of flat roof. Reduction in height of flat roof wing to rear.

Scheme 3

Addition of a pitched, slated roof and further amendment to elevational treatment. Parking reduced to one garage from two, plus a cycle store.

Applicant's Supporting Statement

A revised Design Statement dated May 2018 is available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the

building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of a dwelling on this site is acceptable;
- b) the design and materials are compatible with the setting of the listed building and the character and appearance of the conservation area and World Heritage Site;
- c) there are any archaeology issues;
- d) there are any issues in relation to residential amenity;
- e) there are any transport issues;
- f) the objections have been addressed; and
- g) there are any equality or human rights issues;

a) Principle of Development

The site is in the heart of the new town in a residential mews lane at the back of mainly residential town houses, where further housing is acceptable in principle and is supported by Policy Hou 4 and Des 4 of the Edinburgh Local Development Plan (LDP).

b) Impact of Design on Conservation Area, Edinburgh World Heritage Site and Setting of Listed Buildings

The New Town Conservation Area Character Appraisal identifies: *hierarchical arrangement of buildings and spaces; An almost exclusive use of finely dressed squared ashlar of the durable local Craigleith sandstone (a pale, buff sandstone that weathers to a dark grey), creating a visual homogeneity; Visual homogeneity was also created by the use of a limited range of supporting materials: natural slate on roofs.*

The design of the new mews dwelling has been amended to emphasise the visual break between the two feus on which it sits, so that it appears more like two dwellings rather than one. This reflects the rhythm of narrow feus in the lane and makes the overriding design more subservient in massing. This reflects the important features identified in the conservation area character appraisal.

The materials have been reconfigured to visually weight the rougher stone towards the ground floor with the lighter, rubbed stone above as per the formal New Town. The window positions have been amended to emphasise the symmetry of the building. The timber treatment at ground floor garages and door access has been made less conspicuous and more mews like by the first floor overhang and is in keeping with, and an interpretation of, other timber garage doors in the mews lanes.

The massing and pitched roof design with recessed gutters has a strong contemporary appearance. With the amended façade and pitched roof, it is bigger than the adjacent cottage, but matches the general massing of cottages in the lane, which is the predominant townscape feature of the lane. Its setting at the end of the lane forms a visual end stop. The predominantly stone and slate materials are appropriate to the mews location and the setting of the main listed buildings in the terrace.

The proposal is centred within the New Town and has no impact on the contrast between New Town and the Old Town. Its design and materials fit appropriately into the New Town environment and do not have any impact on the outstanding universal values of the Edinburgh World Heritage Site.

The two storey design and materials will have no adverse impact on the character and appearance of the conservation area or setting of adjacent category A listed buildings. The proposals comply with Policy Env 6, Env 1, Env 3 and Des 4 of the LDP.

c) Archaeology

It has been identified as having low archaeological impact, but as walls are to be removed and the development will abut the gable of the adjoining mews, it is important that a programme of archaeological historic building survey is undertaken. A condition is recommended. This complies with Policy Env 9 of the LDP.

d) Residential Amenity

Accommodation

The proposed level of accommodation to be provided exceeds the minimum floor size as set out in the Edinburgh Design Guidance. The proposed development will create an acceptable level and quality of living environment for the proposed occupiers.

Neighbouring Amenity

The proposed development has been assessed in relation to potential impacts on daylighting and overshadowing of the adjacent properties. The addition of the new house does not make the existing situation worse. Consent was given for a mews block, albeit smaller in dimensions, on this site in 2008. The impacts have been assessed and the proposals comply with the Edinburgh Design Guidance. There are no privacy issues arising from the proposals.

The proposed development creates an appropriate residential environment.

e) Roads Authority

The Roads Authority objected to the original scheme as it has two parking (garage) spaces and therefore in excess of Council standards; and no cycle parking. Whilst it has not commented on the revised scheme, the revised scheme has been amended to one internal garage space and a cycle parking area for two-three bikes. The revised scheme complies with parking standards and is acceptable.

f) Public comments

Material objections:

- Lack of a pitched slated roof in this location on aesthetic grounds: - These objections have been addressed by the revised drawings and are considered in paragraph 3.3b) above.
- Loss of light and skyline in terms of amenity. Exceeds 25 degree line: addressed in section 3.3d) above.
- Depth of single storey wing excessive. Height above wall: The plan form is unusual in being L shaped. However, the rear wing has been reduced in height and will only exceed the height of the boundary wall by 750mm.
- Design ugly, brutalist and owes its origins to industrial warehousing: addressed in paragraph 3.3b) above.
- Detrimental to setting of A listed townhouses at 30-42 Great King Street: addressed in paragraph 3.3b) above.
- Parking problems. The new dwelling will generate only one parking space/garage on this quiet lane. It is unlikely that it would have any significant effect on congestion within the lane or upon the amenity of neighbours in this respect of traffic generation, particularly at this 'open end' of the lane.

Material support:

There are six letters of support to Scheme 1 and one letter of support for Scheme 2:

- Like that in Circus Lane - high quality modern mews design has successfully enhanced the area;
- Offers family sized accommodation;
- Will improve messy, vacant plot; and
- In keeping with new town architecture.

Non Material

- Loss of view: - Is not a material consideration.

g) The application has been assessed and has no impact in terms of equalities or human rights.

Conclusion

The proposal complies with the Edinburgh Local Development Plan Policies and the non-statutory guidance, and will not adversely impact on the character and appearance of the conservation area; on the setting of other listed buildings; the Edinburgh World Heritage Site; on residential amenity or road safety. There are no other material planning considerations which outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to safeguard the character of the conservation area.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Advertised on 30 March 2018: 27 letters of objection and 7 letters of support have been received.

The revised application drawings were advertised and renotified to neighbours on 4 June 2018. 12 letters of objection have been received and one of support.

All the letters have been addressed in the Assessment section of this report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Allocated as Urban Area in the Edinburgh Local Development Plan.

Date registered

14 March 2018

Drawing numbers/Scheme

01 - 05; 06A-07A; 09A-10A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Duncan Robertson, Senior Planning Officer

E-mail:d.n.robertson@edinburgh.gov.uk Tel:0131 529 3560

Links - Policies

Relevant Policies:

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

Application for Planning Permission 18/01091/FUL At 16 Cumberland Street South East Lane, Edinburgh, EH3 6RU Erection of new dwelling house on vacant plot (as amended)

Consultations

Historic Environment Scotland

The proposed development site is located within garden ground to the rear of category A listed 32 and 34 Great King Street, bounded by South East Cumberland Street Lane to the north and is in the Old and New Towns of Edinburgh World Heritage Site (WHS). A defining characteristic of the New Town is the robust architectural articulation used to express the relative status and relationship between buildings in principal streets, secondary streets and service lanes. Great King Street is the Second New Town's central avenue, composed of tall imposing Classical style palace-front town houses. A range of 1 ½ or 2-storey mews buildings to the rear of the 5-storey Great King Street houses' garden ground, front South East Cumberland Street Lane.

The predominant character of the mews buildings is expressed by traditional, tooled rubble sandstone walls incorporating large ground floor openings with pitched, slated roofs. Their flat fronted main elevations sit directly onto the service lane. The modest scale and use of traditional, vernacular finishes makes a considerable contribution to the setting of the category A listed town houses, reinforcing their higher status.

The proposed development is for a 2-storey, flat roofed dwelling house with a projecting upper floor. The property would extend across the former garden ground of the two town houses. The proposed palette of external wall finishes includes areas of polished ashlar sandstone to the ground and first floors and channelled, rusticated, polished ashlar sandstone to the first floor.

In our view, the proposals, in their current form would have a detrimental impact on the setting of the A listed Great King Street town houses. This impact is particularly pronounced in views looking south from Cumberland Street along South East Cumberland Street Lane. We would ask that further consideration be given to the proposals. A revised scheme that responded to the established mews building height, pitched roof form and restrained palette of external finishes could in our view better protect the setting of the Great King Street properties.

Roads Authority- Scheme 1

*The application should be refused.
Reasons:*

- 1.The proposed 2 parking provision breaches the Council's 2017 Parking Standards which requires a maximum of 1 parking space for the proposed development in Zone 1.*
- 2.There is no cycle parking provision and does not comply with the Council's 2017 parking Standards which requires a minimum of 3 secure cycle spaces.*

Roads Authority - Scheme 2

There are no further comments from the roads authority as its original comments have been addressed by the reduction in parking from two to a single garage only and the inclusion of an internal cycle parking store for two-three bikes.

Archaeology

The site lies within the UNESCO World Heritage Site. In particular, the site lies at the core of the Georgian New Town and part of the first extension of the New Town on land feud by the Heriot Trust. Although depicted on earlier plans e.g. Ainslie 1804, development did not commence in earnest until c.1817. Accordingly, this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh Local Plan (2016) policy ENV9.

It is considered that on current information this proposal scheme is regarded as having a low archaeological impact upon both adjacent historic Georgian Mews and underlying archaeological deposits. However, development will impact upon the gable wall of the adjoining mews building which shows evidence of more than one phase of construction. It is therefore recommended that an appropriate programme of archaeological historic building survey (annotated elevations, photographic and written survey) is undertaken in order to provide a permanent record of this historic mews.

Accordingly, it is recommended that that the following condition is attached to this consent to ensure that this programme of archaeological works is undertaken prior to construction.

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, reporting and analysis) in accordance with a written scheme of Policy (SPP), PAN 02/2011 and also Edinburgh Local Plan (2016) policy ENV9.

It is considered that on current information this proposal scheme is regarded as having a low archaeological impact upon both adjacent historic Georgian Mews and underlying archaeological deposits. However, development will impact upon the gable wall of the adjoining mews building which shows evidence of more than one phase of construction. It is therefore recommended that an appropriate programme of archaeological historic building survey (annotated elevations, photographic and written survey) is undertaken in order to provide a permanent record of this historic mews.

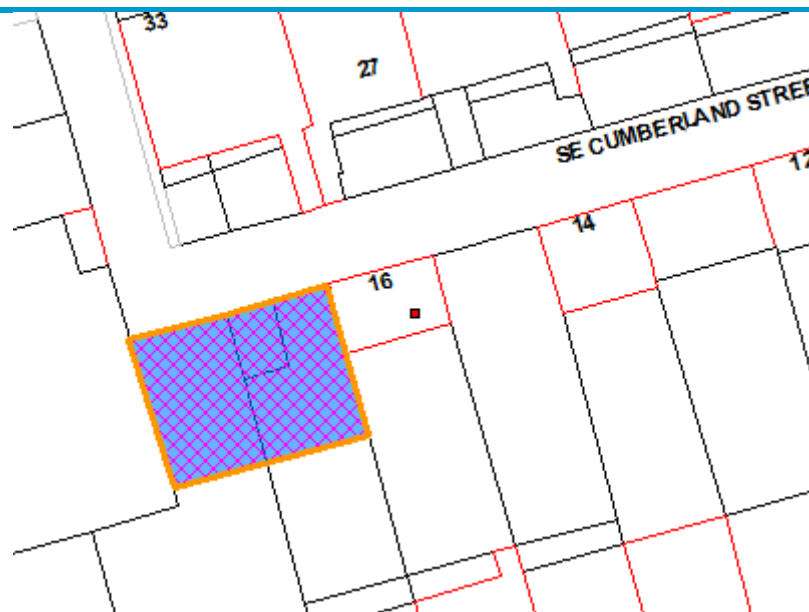
Accordingly, it is recommended that that the following condition is attached to this consent to ensure that this programme of archaeological works is undertaken prior to construction.

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey,

reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applica.

Location Plan



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END

Development Management Sub Committee

Wednesday 1 August 2018

**Application for Planning Permission 18/01271/FUL
At 3 Inverleith Place Lane, Edinburgh, EH3 5QJ.
Addition of roof terrace to existing flat roof with frameless
glass balustrade and privacy screen to rear elevation.
Proposed introduction of new internal link stair suspended
over existing staircase at first floor level.**

Item number	4.4
Report number	
Wards	B05 - Inverleith

Summary

The proposal would be compatible with the existing building and the character of the surrounding streetscape, including the character and appearance of the Inverleith Conservation Area. It would not have an unacceptable impact on neighbouring amenity and complies with Edinburgh Local Development Plan Policies Env 6 (Conservation Areas), Des 12 (Alterations and Extensions), the non-statutory Guidance for Listed Buildings and Conservation Areas and the non-statutory Guidance for Householders.

Links

[Policies and guidance for this application](#) CRPINV, LDPP, LDES12, LEN06, NSHOU, NSLBCA,

Report

**Application for Planning Permission 18/01271/FUL
At 3 Inverleith Place Lane, Edinburgh, EH3 5QJ.
Addition of roof terrace to existing flat roof with frameless glass balustrade and privacy screen to rear elevation.
Proposed introduction of new internal link stair suspended over existing staircase at first floor level.**

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application property is a two storey, flat roofed 19th Century mews house of traditional construction on the north side of Inverleith Place Lane. Inverleith Place Lane features a mix of house types along its north side, mostly of a mews style, with none exceeding two storeys in height. Pitched or sloping roofs predominate. The application property is one of the few flat roofed buildings on the north side of the street, the other examples being single storey garages.

The application property backs on to the rear gardens of tenements on Inverleith Place.

This application site is located within the Inverleith Conservation Area.

2.2 Site History

29th January 2018 - Planning Permission refused for the construction of roof level room with areas of sliding glass panels, frameless glass balustrades, external terrace and privacy screen. Proposed introduction of new internal link stair suspended over existing staircase at first floor level - Application number 17/03911/FUL.

Main report

3.1 Description Of The Proposal

The proposal is for the formation of a roof terrace with a frameless glass balustrade and privacy screen to the rear elevation. The proposed internal works do not constitute development.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the

development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The proposed scale, form and design is acceptable, would accord with neighbourhood character and would preserve or enhance the character and appearance of the surrounding area.
- b) The proposal will cause unreasonable loss to neighbouring amenity;
- c) Any impacts on equalities or human rights are acceptable;
- d) Any comments raised have been addressed.

a) Scale, form and design

The Inverleith Conservation Area Character Appraisal emphasises "the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials."

The proposal would create a lightweight and elegant addition to the roof of the property. The use of glazing and the set back nature of the balustrade and privacy screen, forming the extent of the terrace, would ensure that it would have a minimal impact on the appearance of the building, and would avoid the roof of the building becoming over-dominant or bulky.

It would form a clearly modern development within the context of the building, and would avoid any visual competition with the architectural composition of the host.

The streetscape consists of a mixture of building styles and heights, although mews type properties form the predominant building style, and the majority of buildings are restricted in height. The lightweight design and appearance of the proposal would ensure the roof terrace would not disrupt or erode that characteristic, which creates an important element in the overall make up of the lane, which contrasts with the taller buildings to the north on Inverleith Place.

The terrace would integrate well within its immediate surroundings and would have no adverse impact on the character and appearance of the Inverleith Conservation Area.

The proposal satisfies LDP Policies Env 6 and Des 12 and the Guidance for Listed Buildings and Conservation Areas and the Guidance for Householders.

b) Neighbouring amenity

The proposed 1.8m high translucent screen to the rear of the terrace would provide appropriate screening from the rear gardens of Inverleith Place. Overshadowing of neighbouring land would not be affected by virtue of the setback nature and light design of the screen. These elements of the proposal would ensure neighbouring privacy is appropriately protected, with the screen being 3.2m from the north-west roof edge and 0.7m from the south-east roof edge, which faces over the lane onto the Royal Botanical Gardens.

The proposal satisfies the criteria set out in the non-statutory Guidance for Householders and will not cause an unacceptable loss of neighbouring amenity.

c) Equalities or human rights impacts

The proposal was assessed in terms of equalities and human rights. No impacts were identified.

d) Public comments

Material representations - Objection

- The proposal is out of keeping with the Inverleith Conservation Area; this is addressed in section a).
- The proposal would encroach on neighbouring privacy and outlook; this is addressed in section b).
- The balustrade will impact upon overshadowing; this is addressed in section b).

Non-material representations - Objection

- The proposal is similar to a previous application; this is not a material planning consideration.
- The proposal may set a precedent; this is not a material planning consideration.
- Structural concerns; this is not a material planning consideration and would be assessed by the Building Standards function of the Council.
- Ownership issues; this is a civil matter and cannot be assessed by the Planning Department
- Alleged inaccurate drawings; the drawings received are sufficient to allow a determination of the application.
- Alleged noise from the proposal once completed; the proposal is not for the change of use of the property and the Planning • Department cannot seek to control noise disturbance in these areas.
- Location of representations received; this is not a material planning consideration.

- Planters/Shrubs not surviving the elements; this is not a material planning consideration.

Representations in support

- The proposal would respect privacy and overlooking.
- The proposal would enhance the roofplan of the Lane.
- The proposal would enhance the character and appearance of the host property and Inverleith Conservation Area.
- Balconies are a feature to the rear of the Lane and the proposal is similar in terms of neighbouring residential amenity.
- The proposal would enhance amenity within the Lane through the creation of more outdoor space.

Conclusion

The proposal is in accordance with Development Plan Policy Env 6 and Des 12 in the adopted Edinburgh Local Development Plan, the non-statutory Guidance for Listed Buildings and Conservation Areas and the non-statutory Guidance for Householders. It would not have an adverse impact upon the character and appearance of the Inverleith Conservation Area, neighbouring amenity, equalities, human rights and all public comments have been addressed.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 4th of April 2018. Twenty five representations were received, twelve representations in support of the application and thirteen representations objecting to the proposal. A full assessment of the parts raised can be found in the assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan.

Date registered

26 March 2018

Drawing numbers/Scheme

01-06,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Conor MacGreevy, Planning Officer

E-mail:conor.macgreevy@edinburgh.gov.uk Tel:0131 469 3743

Links - Policies

Relevant Policies:

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

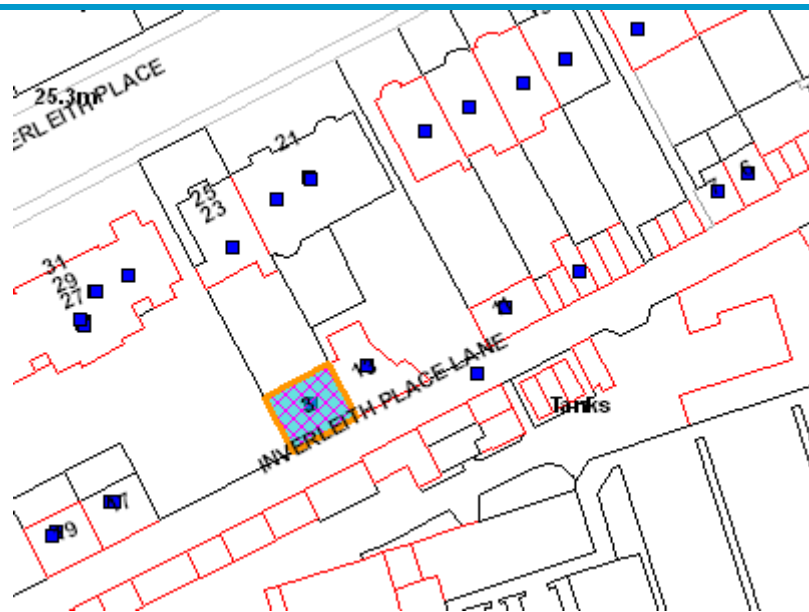
Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Appendix 1

**Application for Planning Permission 18/01271/FUL
At 3 Inverleith Place Lane, Edinburgh, EH3 5QJ.
Addition of roof terrace to existing flat roof with frameless
glass balustrade and privacy screen to rear elevation.
Proposed introduction of new internal link stair suspended
over existing staircase at first floor level.**

Location Plan



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Development Management Sub Committee

Wednesday 1 August 2018

**Application for Planning Permission 18/00454/FUL
At 8A Milton Road West, Edinburgh, EH15 1LF
Re-development of site to create a mixed use development
comprising of a smaller food retail unit and 11no new build
flats and installation of a new shopfront.**

Item number	4.5
Report number	
Wards	B17 - Portobello/Craigmillar

Summary

The proposal complies with the development plan and non-statutory guidance. The proposal is acceptable in this location, is of an appropriate scale, form and design and will have no detrimental impact on residential amenity, traffic and road safety or any impacts on flooding. There are no other considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES05, LDES06, LDES07, LDES13, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LRET05, LTRA02, LTRA03, LTRA04, NSG, NSGD02,
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Report

Application for Planning Permission 18/00454/FUL At 8A Milton Road West, Edinburgh, EH15 1LF Re-development of site to create a mixed use development comprising of a smaller food retail unit and 11no new build flats and installation of a new shopfront.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is situated on the north east corner of Milton Road West and Durham Road which is within a 'local centre' that includes a parade of small single storey retail and commercial uses. The overall area of the site is 2,057 sq m.

The application site relates to an existing vacant ground floor retail unit that also has a basement. It has most recently been used as a furniture shop and display room. The unit has windows that front both Milton Road West and Durham Road and the entrance is on the corner.

The trading area of the existing retail unit, on the ground floor, is 1,215 sq m in area.

The area surrounding the local centre is overwhelming residential and is characterised by low rise and low density housing.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Scheme 3

This application proposes to demolish the rear of the existing retail unit to construct 11 new flats. The section of the shop that fronts Milton Road West will be retained in retail use but will have a new shopfront.

The proposed trading area of the retail unit is 291 sq m.

The residential element will occupy a site of 1,354 sq m. A three storey building (comprising of two floors and an attic) will be constructed. The building will be brick with a pitched concrete tiled roof and upvc glazing and doors. The footprint of the new build will be smaller than the area of the building demolished and of approximately the same height.

Parking for 11 vehicles will be to the north of the building. Wheelie bin storage will be at the entry to the car park and cycle storage will be to the rear, or east, of the site. There will be shared garden area to the rear of the building as well as some areas that are private to ground floor flats.

The unit breakdown is as follows:

Eight no. two bedroom flats of between 71.8 sq m and 89.2 sq m.

Three no. three bedroom flats of between 99.6 sq m and 110 sq m.

Schemes 1 and 2

The previous schemes proposed alternative arrangements for cycle parking and the location of bin stores.

As part of this application, the following documents have been submitted:

- Planning Statement
- Transport Statement
- ARC Desktop Study Report
- Flooding Report
- Daylighting and Overshadowing Study

These documents are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the development is acceptable in this location;

- b) the proposals are of an appropriate scale, form, and design;
- c) the proposals will result in an unreasonable level of neighbouring residential amenity;
- d) the proposals will result in an adequate level of amenity for the future occupiers of the development;
- e) the proposals will have any traffic or road safety issues;
- f) the proposals will have detrimental impact on flooding issues;
- g) there are any other material considerations;
- h) any impacts of equalities and human rights have been addressed; and
- i) any comments raised have been addressed.

a) The Acceptability of the Principle of the Development in this Location

The site is located within a 'local centre'. As such Policy Ret 5 of the Local Development Plan (LDP) applies. This presumes against proposals for a non-retail development in a local centre which would have a detrimental impact on the function of the centre.

The proposals would retain the retail function on the Milton Road West frontage which is within the parade of shops in the local centre. It would lose the retail element on the majority of the Durham Road elevation. This is currently occupied by the showroom of the former furniture shop, has high level windows and no active frontage. The inclusion of this part of the site within the local centre is due to it being part of the larger retail unit as there are no other retail units on Durham Road. It is therefore considered acceptable for an alternative use to occupy this part of the local centre. A residential use on this part of the site will not compromise the vitality of the local centre and therefore the proposals comply with Ret 5.

As an appropriately sized retail unit will be retained on the corner of Milton Road West and Durham Road, vitality of the local centre will be retained. Although objectors have expressed concerns about the potential tenant of this unit, there is no proposed change of use in this location and planning has no remit to control the business operator of an established retail use.

The surrounding area is dominated by residential uses and the proposed flats will be compatible with the area. The proposed complies with Hou 1 as it complies with Ret 5.

The principle of the development is acceptable in this location subject to compliance with other points addressed below.

b) Scale, Form and Design

Policies Des 1 of the LDP states that new development should contribute towards a sense of place and draw from the positive aspects of the surrounding area.

The proposed height of the new building will be no greater than the existing structure and only slightly higher than the adjacent residential units on Durham Road. It will occupy a smaller footprint than the existing part of the building to be demolished. The scale and massing of the proposed new build will be appropriate.

Although some objectors feel that the prevailing urban grain is of detached bungalows, there is a greater mix in the area, and the form proposed new build will not be discordant with the neighbouring properties to the north. The design of the building is understated and will not be out of place with the character of the area.

The proposed brick will be a quality material in an area that is dominated by rendered buildings. Subject to the submission of specific samples, the materials will be appropriate.

The site has good public transport accessibility and the density of development proposed will comply with Hou 4. There will be a mix of unit sizes as required as Hou 2.

The part of the building that is to be demolished is of poor quality, and the replacement building will be an improvement, and will be more compatible with the area.

The replacement shop front to the retail unit is acceptable.

The scale, form and design of the proposals are acceptable.

c) Neighbouring Amenity

Policy Des 5 relates to the impact on amenity of a proposed development.

Information has been submitted by the applicant that indicates that the proposed building will not have an undue impact on the privacy, or daylighting or overshadowing of neighbouring properties.

There will be no adverse impact on residential amenity.

d) Amenity of Future Occupiers

Policy Des 5 and the Edinburgh Design Guidance seek to address the criteria of an acceptable level of amenity for future occupiers of the development.

The proposals will provide a mix of units sizes which concurs with advice in the guidance. In terms of floor areas, the flats exceed its minimum recommended floor areas. The shared garden area provided is 320 sq m or 23% of the site area. It will provide approximately 29 sq m of garden area per flat, which exceeds the recommended 10 sq m per flat required by Hou 3. All flats but one are dual aspect.

The proposed flats will provide a satisfactory level of amenity for the future occupiers of the development.

e) Traffic or Road Safety Issues

A Transport Statement has been submitted in support of the drawings. One vehicular parking space for each flat has been provided and this level of provision has been justified by a study of the level of traffic and on street parking in the area. Secure cycle parking has been provided off the car park.

Cycle parking is provided for the retail unit, and, as the size of the retail unit is decreasing, no additional vehicular parking is provided for the retail unit.

A number of objectors have raised issues of parking and road safety with respect to the expected tenant of the retail unit. However the retail use is established in this location and the Planning system has no control over the occupier or any increased custom and parking requirements that may, or may not, result from them taking on the lease.

The works Authority raises no objections to the current amended scheme and there will be no detrimental impact on traffic or road safety.

f) Flooding Issues

A Flood Risk Assessment and Surface Water Management Plan have been submitted and there will be no additional risk of flooding as a result of this development.

g) Other Material Considerations

Due to the former use of the site, there is potential for the land to be contaminated. A standard condition is to be added to address any such issues.

h) Equalities and Human Rights Issues

The application has been assessed in terms of equalities and human rights. No adverse impacts were identified. An Equality and Rights Impact Assessment Summary is available to view on the Planning and Building Standards Online Services.

i) Public Comments

Material points of objection

Material points of objection relate to:

- Design, scale and form are inappropriate to the area - this is assessed in section 3.3.b)
- Visual impact - this is assessed in section 3.3.b)
- Detrimental impact on residential amenity - this is assessed in section 3.3.b)
- Loss of daylight and privacy and overshadowing - this is assessed in section 3.3.c)
- Impact on parking in the area - this is assessed in section 3.3.e)
- Lack of cycle parking - this has been addressed in Schemes 2 & 3

Material points of support

Material points of support relate to:

- The provision of more housing - this is addressed in section 3.3.a)
- Design - this is addressed in section 3.3.b)
- Improvement to the area - this is addressed in section 3.3.b)

Non-material points of objection

Non material points of objection relate to:

- Impact on residential amenity from any future occupier of the retail use. As this is an established use, this is not material to the assessment of the application.
- Impact on parking and road safety from any future occupier of the retail use. As this is an established use, this is not material to the assessment of the application.

Non-material points of support

Non material points of support relate to:

- Support for the new occupier of the retail unit. As this is an established use, this is not material to the assessment of the application

Comments by the Community Council

No comments have been lodged by the Community Council.

CONCLUSIONS

In conclusion, the proposal complies with the development plan and non-statutory guidance. The proposal is acceptable in this location, is of an appropriate scale, form and design and will have no detrimental impact on residential amenity, traffic and road safety or any impacts on flooding. There are no other considerations which outweigh this conclusion and approval is recommended.

The recommendation is subject to conditions on landscaping, materials and contaminated land.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or

that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

- b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of this application on 15 February 2018. In all there have been 48 letters of objection from residential and commercial neighbours and members of the public, 42 of which make material comments, and six of which are non-material. A petition of 87 names objects to the proposals.

Also received were 48 letters of support from neighbours and members of the public, 27 of which are material and 21 of which are non-material.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The application site is within a local centre, as defined by the Edinburgh Local Development Plan.

Date registered

1 February 2018

Drawing numbers/Scheme

1-4, 5b, 6a, 7a, 8-10, 11a, 12a, 13-15,

Scheme 3

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer
E-mail: barbara.stuart@edinburgh.gov.uk Tel: 0131 529 3927

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 13 (Shopfronts) sets criteria for assessing shopfront alterations and advertising proposals.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Ret 5 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Appendix 1

Application for Planning Permission 18/00454/FUL At 8A Milton Road West, Edinburgh, EH15 1LF Re-development of site to create a mixed use development comprising of a smaller food retail unit and 11no new build flats and installation of a new shopfront.

Consultations

Transport

Second Response (dated 11 May, 2018)

Further to the memorandum of 12 March 2018, in view of the revised plans and submitted documents, there are no objections to the proposed application.

First Response (dated 12 March, 2018)

Whilst there are no objections to the application in principle, a number of issues require to be address prior to a formal response being issued:

- 1. The proposed 11No. car parking spaces require reasoned justification, as set out in the Edinburgh Edinburgh Design Guidance, October 2017 page 58;*
- 2. The Planning Statement submitted with the application states that "storage areas for cycle parking will be provided within each residential unit". This does not appear to be translated onto the unit drawings, i.e. it is unclear what level or type of provision is proposed. In addition, provision within residential units on upper floors is not acceptable;*
- 3. It is unclear whether cycle parking is proposed for the retail unit. Provision for staff and visitors is required;*
- 4. The existing vehicle entrance on Durham Road will require amendment to create a footway with vehicular crossing.*

The application should therefore be continued.

Environmental Services

No response has been received.

Children and Families

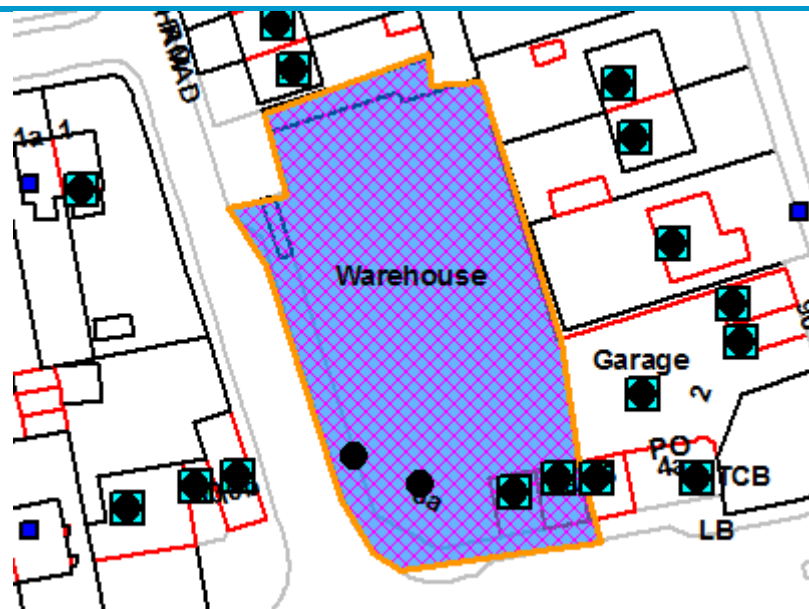
The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Using the pupil generation rates set out in the Supplementary Guidance, the development of 11 flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Flooding

I accept the certificate submitted by Goodsons and can confirm that Flood Prevention are happy for this application to be determined with no further comment from our department.

Location Plan



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END

Development Management Sub Committee

Wednesday 1 August 2018

**Application for Planning Permission 18/01355/FUL
At 46 Park Road, Edinburgh, EH6 4LD
Proposed alterations, extension and new works to existing
building to create 4 new residential dwellings (as amended).**

Item number	4.6(a)
Report number	
Wards	B04 - Forth

Summary

The proposed development is acceptable and the impact on the character and appearance of the conservation area and upon the listed building is acceptable. The proposals comply with the Local Development Plan and non-statutory guidance. No other material considerations outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDEL01, LDPP, LHOU01, LHOU05, LDES03, LDES05, LHOU04, LEN04, LEN03, LEN06, LEN12, LTRA02, LTRA03, NSG, NSLBCA, NSGD02, OTH, CRPNEH,
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Report

Application for Planning Permission 18/01355/FUL At 46 Park Road, Edinburgh, EH6 4LD Proposed alterations, extension and new works to existing building to create 4 new residential dwellings (as amended).

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The property is a large, detached Victorian villa, located at the end of a cul-de-sac linked to the dog-leg section of Park Road. The property faces south onto a small, privately-owned park, with modern flats on the opposite side of the park. A church standing on much lower ground to the north has been converted to residential use. Ground levels to the west fall dramatically in the engineering work usually called the "Craighall Cut" where 8 metre to 10 metre retaining walls separate the site from Laverockbank Terrace to the west.

The property was in guest house/HMO use for many years and had many alterations and extensions (including fire escapes added to the rear and side). These were recently removed as part of the approved redevelopment as a single large house (see Planning History), which is currently paused on site.

The site as a whole extends to 0.19 hectares. Mature trees line the southern boundary to the park, most notable of which is a very substantial copper beech to the south-west.

The building was listed category C on 17 October 1996 reference 43721.

This application site is located within the Newhaven Conservation Area.

2.2 Site History

16 June 2005 - change of use to guest house approved (application number 05/00707/FUL)

14 March 2014 - planning permission and listed building consent granted for reversion to a single house plus restoration and alterations (application numbers 14/00427/FUL and 14/00425/LBC))

19 January 2016 - application for listed building consent approved for redevelopment as a single house (application number 15/05517/LBC)

4 February 2016 - parallel application for planning permission granted (application number 15/05788/FUL)

2 April 2018 - a pair of applications (similar to the current applications) were withdrawn (application numbers 18/00410/FUL and 18/00412/LBC). These differed from the current applications in relation to parking layout, garden division and access arrangement.

A parallel application (application number 18/01357/LBC) has been lodged for listed building consent. In relation to the April applications the current applications amended site access, parking and garden division.

Main report

3.1 Description Of The Proposal

The application seeks to redevelop the site using the previous approvals of planning consent granted in 2016 (and which have commenced) as a base.

Instead of extending and altering the property to form a single dwelling house, it is proposed to redevelop the property as four dwellings.

Taking each unit of the four units in turn (in relation to the extant consent in terms of built form) the changes are:

- Unit 1 - east wing- created as a single house - this is more or less identical to the approved scheme. A three bedroom house is created, replacing the pre-existing 10 metre long extension with a 4 metre long extension. Total area 163 square metres.
- Unit 2 - main villa - the house continues to be restored, but now as a four bedroom house. The rear extension is now only 4 metres long as opposed to the previously approved 10 metre extension. Total area 300 square metres.
- Unit 3 - a new-build replacing the former west wing, now creating a new four bedroom house. This has a pitched zinc roof added in relation to the last consent, but is otherwise similar in scale and footprint. Total area 130 square metres.
- Unit 4 - this building was previously approved as a freestanding garage with ancillary accommodation above, but this is now proposed as a separate three bedroom house in a one storey and attic structure. In relation to the previous consent it is around one metre taller and one metre deeper than last approved. The design concept remains the same. Total area 156 square metres.

Materials for the new-build elements are primarily natural stone, with areas of render. Unit 3 has a pitched zinc roof. Unit 4 has a pitched slate roof.

A central parking courtyard provides eight parking spaces. Two mature trees mentioned in the Design Statement for removal are retained in the amended scheme. There are now no trees proposed for removal.

The vehicle access is altered, widening on its north side by relocation of the existing stone pillar. A new pedestrian access gate is added. The rendered sections flanking the original gateway are to be rebuilt in natural stone.

Amendment

The scheme was amended to reduce the height of unit 3 and change its rear elevation. Boundary positions of gardens were altered to create more equitable garden areas. Parking layout was adapted to increase green space. Vehicle access was improved.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) residential use is acceptable in principle;
- b) the proposed density is acceptable;
- c) the proposed scale, form and design are appropriate to the character and appearance of the conservation area;
- d) the proposals have an acceptable impact on the character of the listed building and its setting;
- e) amenity of the units is acceptable;
- f) impact on neighbouring amenity is acceptable;
- g) parking and access are acceptable;
- h) impact on trees is assessed;

- i) infrastructure needs are addressed;
- j) comments are addressed; and
- k) equality and human rights are considered.

a) Principle of Residential Use

Local Development Plan (LDP) Policy Hou 1 (Housing Development) section d) supports housing development on suitable sites in the urban area, provided that proposals are compatible with other policies in the plan.

The site lies within a wholly residential area and residential use is acceptable subject to other policy requirements being met.

b) Proposed Density

LDP policy Hou 4 (Housing Density) considers appropriate density of housing development.

The density of the development equates to 25 units per hectare, which is low by current development standards. The development density is appropriate for this street (which ranges from 20 to 40 units per hectare).

c) Impact on the Conservation Area

Newhaven Conservation Area Character Appraisal identifies the site as being within Zone 2: the Residential Zone

The appraisal is silent on the villas on Park Road but does include a paragraph on the park: *"The park located off Park Road is a key open space, and dwellings with well-maintained front gardens and a variety of boundary treatments assist in creating a varied townscape"*.

LDP policy Env 6 (Conservation Areas - Development), considers the impact of development on the character and appearance of the conservation area. This should be considered in conjunction with LDP policy Des3 (Development Design), and with non-statutory guidelines on Listed Buildings and Conservation Areas.

The proposal largely reiterates a footprint and form approved within the still live consent for conversion (and alterations) to create a single, large house (see history).

Considering the four proposed units, each in relation to the existing permission, the following comparisons may be made:

- The eastern wing is also almost identical to the previous permission, and has no further impact on the conservation area.

- The original house is still retained and restored as previously but a smaller extension than that previously approved is added to its rear. This is less onerous than the existing permission and has less impact on the wider area.
- The new-build element (replacing the modern west wing) - unit three - is the area of greatest change, mainly in relation to an added pitched roof. However, the addition of a pitched roof is more appropriate to the conservation area than the previously approved flat roof. The use of zinc is acceptable as a contrasting material and is balanced by the use of traditional stone on the walls. The net impact on the conservation area is beneficial in relation to the live consent.
- The free-standing house - unit four - follows the previously approved design concept but is slightly taller and slightly deeper than last approved. The detailed design of the inner (north) elevation contains more glazing and the garage doors disappear. The main changes (on the north elevation) face internally to the three other units. These changes do not raise any policy concern.

The site as a whole remains well screened by surrounding landscape.

From the east-west section of Park Road the most visible element will be unit four. Here the spatial pattern of the rest of the street was already broken in that the garden extends over where the road might be expected to continue, effectively "turning the corner" such that it also relates to the north-south section of Park Road. Unit four does introduce a new-build design visible from the closest section of Park Road. However, the design concept was already approved in the last (and live) planning permission. The increase in the gable size will increase visibility, but would not undermine the character and appearance of the conservation area in relation to the existing permission. It is also noted that the Character Appraisal stresses the variety of house types on this road. The unit will add to this variety.

Unit 3 is primarily visible from Laverockbank Terrace, 30 metres to the west. In this view, the proposal is similar to the live consent other than in the addition of a pitched roof. Both the earlier permission and current proposal are a marked improvement upon the previous west extension and fire stairs.

The overall impact on the conservation area remains acceptable and complies with policy Env 6 of the LDP.

d) Impact on the Listed Building

Policy Env 4 (Listed Buildings - Alterations and Extensions) of the LDP considers alterations to listed buildings. This issue is considered in greater detail in the parallel application number 18/01357/LBC. This concludes that works have an acceptable impact upon the listed building.

Impact upon setting is considered in local development plan policy Env 3 (Listed Buildings - Setting).

The impact upon setting is similar to the previous building extensions and also similar to the impact of the last consented (and live) planning permission.

The new house (unit three) continues to obscure the west gable of the villa. However this is no different than either the previous extension on this side or the recently

approved replacement extension. The impact of unit four on setting is similar to the previously extant garage and similar to the previously approved replacement garage with accommodation above. This impact remains acceptable.

e) Amenity of Proposed Houses

Amenity of the proposed units is considered within policy Hou 5 - (Conversion to Housing) and the non-statutory Edinburgh Design Guidance.

Each unit has multiple aspects and will have good levels of sunlight and daylight. All units exceed minimum space requirements and are well-sized houses with ample garden ground, suited to family use.

f) Impact on Neighbouring Amenity

LDP policy Des 5 (Amenity) and the non-statutory Edinburgh Design Guidance, consider the impact on neighbouring amenity.

The rear extensions do not raise any privacy or daylight concerns to neighbours and daylight remains improved along the eastern boundary (where the previous extension ran along almost the whole garden length). The closest windows to the church conversion to the north are over 25 metres away and further mitigated by the change in ground level.

New windows facing west in the newly created house (unit three) face over Craighall Road (Craighall Cut) and the closest residential property is 11 Laverockbank Terrace, some 30 metres distant, greatly exceeding privacy requirements.

Although the freestanding house (unit four) sits hard on the southern boundary, the adjacent land is designated Open Space and is unlikely to become residential. The relationship here also repeats that of both the former and the authorised garage. Therefore the relationship on this boundary does not raise amenity concerns.

Unit four primarily faces the applicant's own property. Its eastern windows face the public road and do not raise a privacy concern. The oblique view to the frontage of 44 Park Road is not considered a privacy issue in terms of the Edinburgh Design Guidance. The buildings in question are approximately 18 metres apart.

The relationship to neighbouring property is acceptable.

g) Parking and Access

Policy Tra 2 (Private Car Parking) supports development where proposed car parking provision complies with but does not exceed the parking levels set out in Council guidelines.

Although eight spaces are proposed (two per unit), the parking area is reduced in scale both in comparison to the previous status quo and in comparison to the live consent. Parking at the front of the listed building forms part of the pre-existing character. Parking provision is acceptable in terms of both the size of houses proposed and the

previous car park on site (net parking is reduced in relation to the former car park). The Roads Authority accepts the parking provision.

Access is as existing, other than a slight improvement to access width and creation of an independent pedestrian entrance (which is beneficial).

Each of the units has enough internal storage to securely accommodate bicycles.

In relation to "increased traffic" whilst vehicle numbers increase in relation to the last approved single house, net numbers remain less than the number of cars related to the previous use. The total number (eight cars) remains insignificant in relation to the local road network. This impact is acceptable.

h) Impact on Trees and on the Adjacent Private Park

LDP policy Env 12 (Trees) considers impact upon trees.

Two trees suggested for removal in the Design Statement can now be retained due to the revised access arrangement. No further trees are removed on site.

Some trees overhanging the site from the private park will require lopping of overhanging branches in relation to unit four. However, the same trees required lopping for the live consent. The law accepts the right of a neighbour to lop overhanging branches. The trees in question are not of critical visual importance to the conservation area as they are surrounded by other substantial trees.

The view from the park to the original villa will be altered to some degree by the new house (unit four) but there are no rights to view in planning legislation.

The relationship of this house to the park remains the same as the already authorised garage. The variation to the use of the structure has no bearing on the relationship.

i) Infrastructure

LDP policy Del 1 considers Developer Contributions and Infrastructure Delivery for relevant infrastructure stemming from the proposed density.

The number of units attracts a requirement for infrastructure contributions. The contribution sought by the Roads Authority is £3,232 and Children and Families totals £51,988. However, these sums require adjustment to deduct the sum relating to the live consent for one house, and consider only the three additional units. This would give a total of £2,424 towards road infrastructure and £38,991 towards education and land. These sums will be acquired through legal agreement.

j) Public Comments

It is noted that all objectors accepted the subdivision of the main house (units one and two). Objections related to the design of unit three and principle of unit four.

Material Objections

- The proposal is too dense - addressed in section 3.3 b) above.
- Increased traffic - addressed in section 3.3 g) above.
- Too many parking spaces/too few parking spaces - addressed in section 3.3 g) above.
- Unit four overshadows neighbours and causes loss of privacy - addressed in section 3.3 f) above.
- Design is inappropriate to the conservation area - addressed in section 3.3 c) above.
- The proposal affects the listed building and its setting - addressed in section 3.3 d) above.
- The property is a listed building in a conservation area - this is the core part of the assessment and is addressed in sections 3.3 c) and d) above.
- Loss of trees - this is addressed in section 3.3h) above.

Non-Material Objections

- Park owners were not notified of application - this is not a requirement - the correct notification procedures were carried out by the Council.
- This is the third application on the site - there is no limit to how many applications can be made on any site
- The proposal is contrary to the Villa Policy - this policy is no longer in use
- Disruption from construction- this is not a planning concern.
- Committee should visit the site - this is a committee decision
- Objections to the previous scheme were ignored - the previous scheme was considered compliant with policy
- The scheme is very similar to the last scheme - the assessment focusses upon the differences rather than the similarities
- Children use the Newhaven Park - this is not pertinent to the assessment
- There is no need for new houses - "need" is not a policy issue, however the Council seeks to maximise all housing sites in an effort to address overall housing need within the wider city.

k) Human Rights and Equalities

No human rights or equalities issues arise.

Conclusion

The quantum of development is acceptable in terms of prevailing densities and impact upon the character and appearance of the conservation area.

It should be noted that a "fall-back" position exists, as concluded in *Ahern (London) v. Secretary of State and Havering Borough Council*, which explains the weight which must be given to a live consent. In this regard, the bulk of the works herein proposed "already have permission" and the live consent for one very large house represents a "fall-back" position which does not require further consent. The local authority should focus upon those areas of change rather than revisit aspects which are already approved.

The primary change is the increase in density. Changes to form and aesthetic are minor.

The revised density is acceptable in terms of prevailing densities. The proposal has an acceptable effect upon the character and appearance of the conservation area and retains the character of the listed building. Local development plan policies and non-statutory guidelines are met. No other considerations outweigh this conclusion.

Impact on infrastructure is addressed through a contribution secured by legal agreement.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to enable the Head of Planning to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. Prior to the issue of the planning decision the applicant shall enter into a suitably worded legal agreement with the Council to ensure contributions of £2,424 towards transport infrastructure and £38,991 towards educational infrastructure and land contributions. These sums to be index-linked, rising annually with inflation.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 13 April 2018.

Ten representations were received. Nine objections came from local residents and one wrote a second time in their capacity as Chairman of the Trustees For Newhaven Park. These are assessed in section 3.3 j) of the Assessment.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The property lies in the Newhaven Conservation Area.

Date registered

28 March 2018

Drawing numbers/Scheme

1-5,6a,7-19,20a,21a,22-24,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

Links - Policies

Relevant Policies:

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

Relevant policies of the Local Development Plan.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Other Relevant policy guidance

The Newhaven Conservation Area Character Appraisal emphasises the importance of the harbour area, the historic alignment and traditional character of the buildings, the prominent views to Fife across the Firth of Forth, and the predominant use of traditional materials.

Appendix 1

Application for Planning Permission 18/01355/FUL At 46 Park Road, Edinburgh, EH6 4LD Proposed alterations, extension and new works to existing building to create 4 new residential dwellings (as amended).

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. Under the draft supplementary guidance for Developer Contributions and Infrastructure delivery (2018) the proposed development falls within the Leith to City Centre and Ferry Road Junctions Transport Contribution Zones, with relevant interventions set out in the Edinburgh LDP Action Plan (2018). The applicant will be required to:
 - a. Contribute the sum of £512 to the Leith to City Centre Transport Zone (£170 x 4 - 170 x 1);
 - b. Contribute the sum of £2,720 to the Ferry Road Junctions Transport Zone (£906 x 4 - 906 x 1);

Please note these sums are net uses (proposed use - existing use)

2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
3. Any off-street parking space should comply with the Council's Guidance for Householders dated 2017
http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines including:
 - a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
 - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
 - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - d. Any gate or doors must open inwards onto the property;
 - e. Any hard-standing outside should be porous;
 - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits
http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point
4. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

Note:

The proposed application is not considered to increase the number of parking spaces.

Children and Families

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (January 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (January 2018).

Assessment and Contribution Requirements

Assessment based on:

4 Houses

This site falls within Sub-Area LT-2 of the 'Leith Trinity Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

Using the pupil generation rates set out in the Supplementary Guidance, four new houses are expected to generate at least one primary school pupil but less than one secondary school pupil.

The primary school education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions. The contribution should be based on the established 'per house' and 'per flat' primary school contribution rates for the appropriate part of the Zone.

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£48,200

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Total land contribution required:

£3,788

Note - no indexation to be applied to land contribution.

Location Plan



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END

Development Management Sub Committee

Wednesday 1 August 2018

**Application for Listed Building Consent 18/01357/LBC
At 46 Park Road, Edinburgh, EH6 4LD
Alterations and extensions to original villa and alterations to
entrance gate (as amended)**

Item number	4.6(b)
Report number	
Wards	B04 - Forth

Summary

The alterations retain the character of the listed building and comply with non-statutory guidelines on Listed Buildings and Conservation Areas. No other material considerations outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	NSG, NSLBCA, OTH, CRPNEH,
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Report

Application for Listed Building Consent 18/01357/LBC At 46 Park Road, Edinburgh, EH6 4LD Alterations and extensions to original villa and alterations to entrance gate (as amended)

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The property is a large, detached Victorian villa, located at the end of a cul-de-sac linked to the dog-leg section of Park Road. The property faces south onto a small, privately-owned park, with modern flats on the opposite side of the park. A church standing on much lower ground to the north has been converted to residential use. Ground levels to the west fall dramatically in the engineering work usually called the "Craighall Cut" where 8 metre to 10 metre retaining walls separate the site from Laverockbank Terrace to the west.

The property was in guest house/HMO use for many years and had many alterations and extensions (including fire escapes added to the rear and side). These were recently removed as part of the approved redevelopment as a single large house (see Planning History), which is currently paused on site.

The site as a whole extends to 0.19 hectares. Mature trees line the southern boundary to the park, most notable of which is a very substantial copper beech.

The building was listed category C on 17 October 1996 reference 43721.

This application site is located within the Newhaven Conservation Area.

2.2 Site History

16 June 2005 - change of use to guest house approved (application number 05/00707/FUL)

14 March 2014 - planning permission and listed building consent granted for reversion to a single house plus restoration and alterations (application numbers 14/00427/FUL and 14/00425/LBC))

19 January 2016 - application for listed building consent approved for redevelopment as a single house (application number 15/05517/LBC)

4 February 2016 - parallel application for planning permission granted (application number 15/05788/FUL)

2 April 2018 - a pair of applications (similar to the current applications) were withdrawn (application numbers 18/00410/FUL and 18/00412/LBC). These differed from the current applications in relation to parking layout, garden division and access arrangement.

A parallel application (application number 18/01355/FUL) has been lodged for planning permission for four residential units.

Main report

3.1 Description Of The Proposal

The application proposes the adaptation of a live consent to remodel the existing building as a single house (see History) to instead split the main building from its east and west wings, creating three units in total in the main building.

The west wing is rebuilt in its entirety as a new-build house, attached to the west gable. This is two storey and attic in height, with stone walls and a zinc roof. The central block is restored and extended to the rear with a flat-roofed single storey extension. The east wing is to be restored, other than a small lightweight ground floor extension (replacing the former longer extension).

An additional house to the south (replacing the existing garage) is free-standing and therefore does not need listed building consent and is not assessed in this application.

Alterations to the entrance gates involve a repositioning of the north pier to widen the access and creation of a pedestrian gate. The boundary is listed so these works also need listed building consent.

The amendment included adjustment of the vehicle entrance and adjustment to the roof of Unit 3 to avoid conflict with architectural details on the main villa (Unit 2). Other changes related only to the planning permission elements.

3.2 Determining Issues

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the works impact on the character of the listed building;
- b) those works requiring listed building consent have an impact on the character or appearance of the conservation area; and
- c) public comments are addressed;

a) Impact on the Listed Building Character

The non-statutory guidelines on Listed Buildings and Conservation Areas consider impact on listed building character.

Works relating to the previous consent have begun, activating that consent. It is noted that all demolition works required for that consent have already been enacted, removing the previous 20th century west wing and removing all fire escape stairs and the 20th century rear extensions. The previously authorised slappings in the rear elevation have also been undertaken.

Whilst the building, in this stripped back condition, is closer to its original form, this does not preclude the rebuilding of those areas already consented, and these authorised changes must be used as a benchmark for assessment of the current application.

In relation to the main house, internal alterations are almost identical to those previously approved and remain uncontroversial. A rear extension is still proposed. However, this is considerably smaller than the extension previously consented. Equally, the alterations to the east wing are more or less identical to the previous consent, including the previously approved rear extension at ground floor.

The west wing represents the principal area of change to the design. Whilst the previously approved scheme is not fully implemented as some of the submitted plans suggest, it is fully authorised and the applicant could complete that scheme without need for further consent. The previous approval for the west wing was for a two storey (and basement) structure, with a flat roof. It was stone built with large areas of glazing, especially to the rear.

The main change in relation to the current proposal is the addition of a pitched roof. The footprint and materials of the lower floors are similar to those already approved.

A pitched roof is more in character with both the existing villa and the broader area. The pitch is proposed in sheet zinc, which is a relatively rare material in this area. The use of zinc in this context is nevertheless acceptable as a contrasting material.

At the entrance gate the existing rendered blockwork panels to each side are rebuilt in natural stone. The north pier is relocated slightly to better improve access and a pedestrian gate is added to avoid conflict between pedestrians and vehicles. The change to the form and design of the entrance is an improvement to the existing character

b) Impact on the Conservation Area

Newhaven Conservation Area Character Appraisal identifies the site as being within Zone 2: the Residential Zone

The appraisal is silent on the villas on Park Road but does include a paragraph on the park: *"The park located off Park Road is a key open space, and dwellings with well maintained front gardens and a variety of boundary treatments assist in creating a varied townscape"*.

Whilst the house (number 4 on plans) to the south does have impact on the conservation area, this does not form part of the current assessment as this element does not require listed building consent. This is considered solely in the parallel application for planning permission.

Works to the main house and its east wing are largely restorative, and notably are less onerous than the live consent. The impact of these elements on the conservation area is acceptable.

The rebuilt west wing gains a pitched roof in relation to the previous consent. The pitched roof is in zinc sheet rather than slate. However, due to the relationship of the building to the remainder of Park Road, this feature will be screened as seen from the south and seen only at a very oblique angle from the east-west section of that road. The extension will be at its most visible from Laverockbank Terrace to the west, which, although separated from the site by Craighall Road (Craighall Cut), is on the same level as the site and not so substantially screened in this view.

Visibility in its own right is not an issue. The remaining issue continues to be the impact on character and appearance of the conservation area in this view. Although the recent demolitions have revealed a long-hidden elevation on the original villa this does not preclude the re-erection of a structure on this side, bearing in mind both the previous building on this side and the live consent for new building on this side. The impact on the conservation area is acceptable in that context.

c) Public Comments

One letter of support was received from a resident to the north and four objections were received from other neighbours.

Material Comments

- The site lies in the Newhaven Conservation Area - this forms part of the assessment - see section 3.3 b) above.
- The building is a listed building - impact is assessed in 3.3a) above.
- Development would eclipse the original villa- this is assessed in section 3.3a) above.

Non-Material Comments

- This is the third application for the site - there is no limit as to how many applications may be made on any site and this is not part of the assessment.
- House four is unacceptable - this section does not require listed building consent
- Noise and parking concerns - this is assessed in the parallel application for planning permission.
- Loss of trees - this is assessed in the parallel application for planning permission.
- Additional traffic - this is assessed in the parallel application for planning permission.
- Presentation is misleading - whilst some drawings are misleading labelled as "implemented" rather than "consented" this does not materially impact on the understanding of the proposal.

d) Equality and Human Rights

The proposal raises no concerns in relation to equality or human rights.

Conclusion

The only issue under consideration within this application is the impact of the proposals on the character of the listed building. The character of the listed building is preserved. It is concluded that the proposed works are acceptable and represent an improvement upon those works previously consented.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 13 April 2018. Five representations were received: one in support, four in objection. These are addressed in section 3.3 d) of the Assessment.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The property lies in the Newhaven Conservation Area.

Date registered

28 March 2018

Drawing numbers/Scheme

1-5,6a,7-18,19a,20a,23,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

Links - Policies

Relevant Policies:**Relevant Non-Statutory Guidelines**

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Other Relevant policy guidance

The Newhaven Conservation Area Character Appraisal emphasises the importance of the harbour area, the historic alignment and traditional character of the buildings, the prominent views to Fife across the Firth of Forth, and the predominant use of traditional materials.

Appendix 1

**Application for Listed Building Consent 18/01357/LBC
At 46 Park Road, Edinburgh, EH6 4LD
Alterations and extensions to original villa and alterations to
entrance gate (as amended)**

Location Plan



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END

Development Management Sub Committee

Wednesday 1 August 2018

**Application for Advert Consent 18/01230/ADV
At Advertising Station 2, Sir Harry Lauder Road, Edinburgh
Display of double sided internally illuminated digital
advertisement hoarding.**

Item number	4.7
Report number	
Wards	B17 - Portobello/Craigmillar

Summary

The proposal complies with Regulation 4 (1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. It will not harm the amenity of the area and is acceptable in terms of road and public safety. There are no material considerations which outweigh this conclusion.

Links

Policies and guidance for this application	NSG, NSADSP,
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Report

Application for Advert Consent 18/01230/ADV At Advertising Station 2, Sir Harry Lauder Road, Edinburgh Display of double sided internally illuminated digital advertisement hoarding.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site comprises a central reservation island within the Sir Harry Lauder Road (A199), to the north of its junction with the A1 Industrial Estate.

At this location the road is bounded to the north and south by tree and shrub covered embankments. There is a high level footbridge leading from St Mark's Place to the north to Hope Lane to the south crossing over the railway line, the industrial estate and Sir Harry Lauder Road.

The single carriageway road is limited to 40mph through this junction section. There is an existing 48 sheet advertising display in position on the site.

2.2 Site History

24 November 2014 - Consent granted for the display of 4 scrolling 48 sheet advertisement displays all with internal low energy LED illumination (static) (application reference 14/03204/ADV).

Main report

3.1 Description Of The Proposal

The application proposes the display of one double sided digital advertisement hoarding, with one screen facing east and the other facing west. The display area of the advertisements would measure 6.2 metres wide x 3.3 metres high with a larger supporting structure. It is proposed that the display will have an intensity of illumination of 2500 Cd Max and a 300 Cd night time limit.

The advertising images are to be changed every 10 seconds and the transition from one image to another will be instantaneous. No moving images will be shown on the screens.

The proposals will replace the existing advert on the site.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- (a) is in keeping with the general characteristics of the locality;
- (b) would compromise public safety.
- (c) comments raised have been addressed.

a) Impact on Amenity

The two displays would be set at right angles to the approaching traffic, in both directions, as per the existing displays.

As this form of advertising is established at this location and given the nature of the area, as a wide and open area of public road flanked by mature tree belts, the increase in size would not be unduly noticeable at this position. However, it is noted that there is a degree of advertising clutter in the immediate area with a number of unauthorised advance directional signs relating to neighbouring businesses located within the central reservation and entrance to the industrial estate.

Accordingly, the proposals will not have a significant adverse effect on the existing levels of amenity of the immediately surrounding area.

b) Public Safety

The site is an area which is characterised by high levels of traffic movements. The advertisement is located approximately 20 metres from a slip road access to the industrial estate travelling westbound and 50 metres from a junction which crosses the carriageway when travelling eastbound.

The application proposes that the images shown on the digital hoarding will change every 10 seconds. The roads authority has raised no objections in respect of road safety. The proposed levels of illumination are in excess of those which are generally permitted on recently upgraded digital advertisements across the city but a condition has been added to ensure that movement, sequencing and night time illumination can be controlled.

c) Public Comments

Material Considerations

- Driver distraction and resultant road safety implications (addressed in Section 3.3b above),
- Impact on vulnerable road users (addressed in Section 3.3b above) and,
- Brightness of the screen affecting drivers night vision (addressed in Section 3.3b above).

Conclusion

The proposal does not raise any issues in respect of amenity or public safety and the proposal therefore complies with Regulation 4 (1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

1. Consent is granted for a period of five years from the date of consent.
2. Advertisements shall be static images only.
3. The intensity of illumination of the advertisement display shall be restricted to 75 candelas per square metre during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. To safeguard public safety.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. 1. a) Adverts must not contain moving images or sequencing of images over more than one advert;

b) Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;

- c) There should be no message sequencing where a message is spread across more than one screen;
- d) Phone numbers, web addresses details etc should be avoided;
- e) It is recommended that the speed of change of image should be set to be in effect instantaneous;
- f) Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;
- g) Adverts should not resemble existing traffic signs or provide directional advice;
- h) Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits; and
- i) The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened,. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Financial impact

4.1 The financial impact has been assessed as follows:

The Council has a contract with the applicant to provide outdoor advertising and street furniture, primarily bus shelters, in the city. The financial impacts to the Council were reported to Finances and Resources Committee on 5 June 2014.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

One objection was received, the contents of which have been addressed in the main report in the assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Date registered 22 March 2018

Drawing numbers/Scheme 01-05,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Appendix 1

Application for Advert Consent 18/01230/ADV At Advertising Station 2, Sir Harry Lauder Road, Edinburgh Display of double sided internally illuminated digital advertisement hoarding.

Consultations

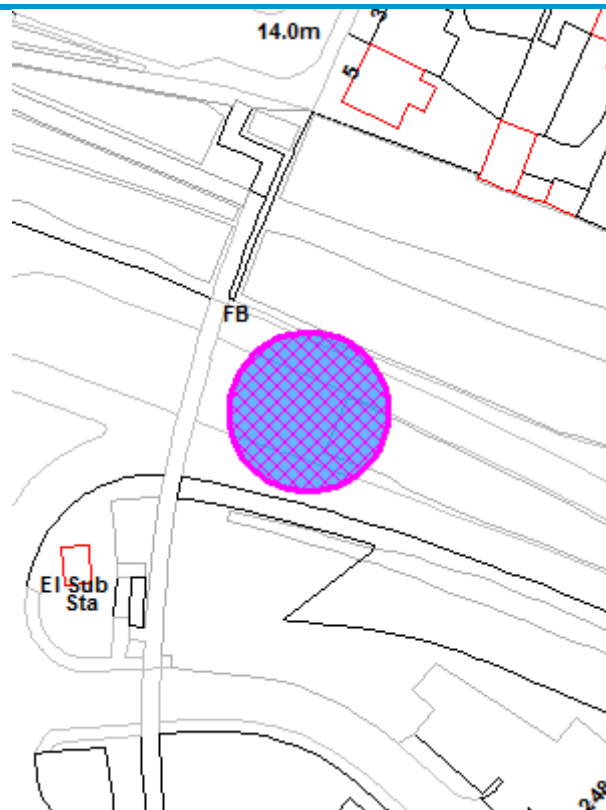
Transport Planning

1. This location has been assessed as low risk;
2. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital large format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:
 - a) there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays.
 - b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays;
 - c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);
 - d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above a maximum change rate of one static advert every 15 seconds will be permitted at this location (i.e. 4 adverts a minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;
3. Adverts must not contain moving images or sequencing of images over more than one advert;
4. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;
5. There should be no message sequencing where a message is spread across more than one screen;
6. Phone numbers, web addresses details etc should be avoided;
7. It is recommended that the speed of change of image should be set to be in effect instantaneous;
8. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;

9. Adverts should not resemble existing traffic signs or provide directional advice;
10. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
11. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
12. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 1 August 2018

Application for Advert Consent 18/01666/ADV At Bus Shelters, Waverley Bridge, Edinburgh New shelter location comprising of double sided LCD unit.

Item number	4.8
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#) NSADSP, NSLBCA, CRPWHS, CRPNEW, NSGSTR,

Report

Application for Advert Consent 18/01666/ADV At Bus Shelters, Waverley Bridge, Edinburgh. New shelter location comprising of double sided LCD unit.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application relates to an advert proposed on a new bus shelter to be located on the north side of Waverley Bridge and will be positioned on the west side of the pavement opposite the entrance to Waverley Station.

The site lies within the Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

April 2018 - Advertisement consent pending consideration for a new double sided advert (application ref 18/01667/ADV)

Main report

3.1 Description Of The Proposal

This application relates to advertisement consent only. A new bus shelter is being proposed at this location and is being installed under the Council's permitted development rights.

The advertising panel will be double sided and situated on the trailing end of a bus shelter, facing north and south along Waverley Bridge. Both sides of the panel will contain a digital LED display with moving images.

The panel will be designed to fit the shelter but will not be reliant upon it for support. The panel structure will measure approximately 2.1 metres high, 1.33 metres wide and 0.25 metres deep. The display screen areas will be approximately 1.9 square metres and the panel will be constructed from aluminium with a matt grey finish.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to

the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal has an acceptable impact on amenity,
- b) the proposal would compromise public safety,
- c) the proposal would have any equalities or human rights impacts; and
- d) public comments have been addressed.

a) Amenity

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising on bus shelters will not be allowed in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance (e.g. George Street or Royal Mile) or where advertising would disturb important views or the setting of individual listed buildings. This restriction relates to any form of advertising within bus shelters including digital, illuminated and non-illuminated static and scrolling advertisements. Where acceptable within less sensitive areas of the World Heritage Site, digital advertising will normally only be acceptable as an integral part of a bus shelter subject to normal amenity and public safety assessments.

Impact on Conservation Area and World Heritage Site

Relevant extracts from the New Town Conservation Area Character Appraisal are set out as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The importance in providing consistent and high quality natural materials, street furniture and lighting in the public realm to unite and set off the built heritage.

The Outstanding Universal Value of the Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides clarity of urban structure unrivalled in Europe.

The Council's Street Design Guidance identifies that Edinburgh has a considerable number of areas that are specially protected. Edinburgh's network of streets pass through many of these protected areas which means that the choice of layout, the materials used and street furniture/features (such as street lighting) have to take into account the character and potential impact of any changes being made. It is important that changes to streets aim to preserve and enhance this historic fabric.

The double sided advertising panel will be set perpendicular to the street within the bus shelter. Views both north and south across Waverley Bridge will therefore be punctuated with this and the other panel proposed in application 18/01667/ADV. The introduction of digital illuminated adverts in this location will create visual disruption which is uncharacteristic to this historic area. This will disrupt both the long and short views across the bridge to the Old and New Town. This view is at the heart of the World Heritage Site and represents the fundamental juxtaposition between the two clear defined urban characters.

The advertisements both individually and cumulatively will result in a material change in the character of Waverley Bridge, which at present contains advertisements confined to the Booking Office and the Travel shop. These adverts are established features within commercial frontages, and are not comparable to global advertising on bus shelters, or as a freestanding entity on the pavement.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and World Heritage Site. The proposal will have an adverse impact on amenity. The proposal is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds.

c) Equalities and Human Rights

The application has no impacts on equalities and human rights.

d) Public Comments

None received.

Community Council

- No comments were received.

Conclusion

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance. Refusal is recommended.

There are no material considerations which outweigh this conclusion

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Conditions:-

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the historic character of the surrounding area.
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts are not supported on street furniture other than on bus shelters in appropriate locations
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area.

Financial impact

4.1 The financial impact has been assessed as follows:

The Council has a contract with the applicant to provide outdoor advertising and street furniture, primarily bus shelters, in the city. The financial impacts to the Council were reported to Finances and Resources Committee on 5 June 2014.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Edinburgh Local Development -The site is located in the Old Town Conservation Area and the Edinburgh World Heritage Site. The site also part of the Central Area.

Date registered

29 April 2018

Drawing numbers/Scheme

01-04,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

Relevant Policies:

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Appendix 1

Application for Advert Consent 18/01666/ADV At Bus Shelters, Waverley Bridge, Edinburgh. New shelter location comprising of double sided LCD unit.

Consultations

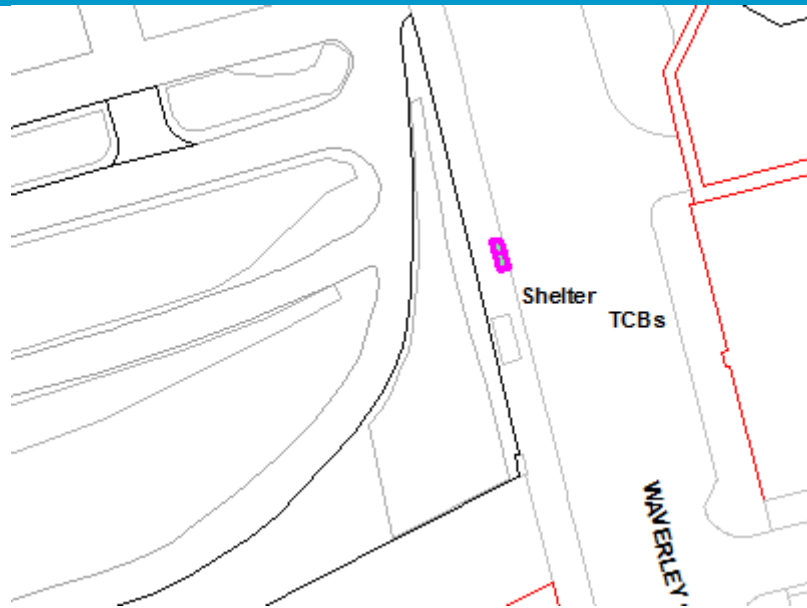
Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital large format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:*
 - a) *there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays;*
 - b) *digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays;*
 - c) *the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
 - d) *Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*
2. *Adverts must not contain moving images or sequencing of images over more than one advert;*
3. *Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
4. *There should be no message sequencing where a message is spread across more than one screen;*
5. *Phone numbers, web addresses details etc should be avoided;*
6. *It is recommended that the speed of change of image should be set to be in effect instantaneous;*
7. *Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;*
8. *Adverts should not resemble existing traffic signs or provide directional advice;*
9. *Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;*
10. *Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;*

11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 1 August 2018

Application for Advert Consent 18/01667/ADV At Bus Shelters, Waverley Bridge, Edinburgh New shelter location comprising double sided LCD.

Item number	4.9
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#) NSADSP, NSLBCA, CRPWHS, CRPOLD, NSGSTR,

Report

Application for Advert Consent 18/01667/ADV At Bus Shelters, Waverley Bridge, Edinburgh New shelter location comprising double sided LCD.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application relates to an advert proposed on a new bus shelter to be located on the south side of the Waverley Bridge and will be positioned on the west side of the pavement opposite the entrance to Waverley Station and the Booking Office pub.

The site lies within the Edinburgh World Heritage Site.

This application site is located within the Old Town Conservation Area.

2.2 Site History

April 2018 - Advertisement consent pending consideration for a new double sided advert (application ref 18/01666/ADV).

Main report

3.1 Description Of The Proposal

This application relates to advertisement consent only. A new bus shelter is being proposed at this location and is being installed under the Council's permitted development rights.

The advertising panel will be double sided and situated on the trailing end of a bus shelter, facing north and south along Waverley Bridge. Both sides of the panel will contain a digital LED display with moving images.

The panel will be designed to fit the shelter but will not be reliant upon it for support. The panel structure will measure approximately 2.1 metres high, 1.33 metres wide and 0.25 metres deep. The display screen areas will be approximately 1.9 square metres and the panel will be constructed from aluminium with a matt grey finish.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal has an acceptable impact on amenity;
- b) the proposal would compromise public safety;
- c) the proposal would have any equalities or human rights impacts, and
- d) public comments have been addressed.

a) Amenity

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising on bus shelters will not be allowed in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance (e.g. George Street or Royal Mile) or where advertising would disturb important views or the setting of individual listed buildings. This restriction relates to any form of advertising within bus shelters including digital, illuminated and non-illuminated static and scrolling advertisements. Where acceptable within less sensitive areas of the World Heritage Site, digital advertising will normally only be acceptable as an integral part of a bus shelter subject to normal amenity and public safety assessments.

Impact on Conservation Area and World Heritage Site

Relevant extracts from the Old Town Conservation Area Character Appraisal are set out as follows:

The simple layout of streets, consisting of a carriageway flanked by pavements running directly from kerbline to building frontage.

The many important vistas and views in, out and within the area.

The importance in providing consistent and high quality natural materials, street furniture and lighting in the public realm to unite and set off the built heritage.

The Outstanding Universal Value of the Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides clarity of urban structure unrivalled in Europe.

The Council's Street Design Guidance identifies that Edinburgh has a considerable number of areas that are specially protected. Edinburgh's network of streets pass through many of these protected areas which means that the choice of layout, the materials used and street furniture/features (such as street lighting) have to take into account the character and potential impact of any changes being made. It is important that changes to streets aim to preserve and enhance this historic fabric.

The double sided advertising panel will be set perpendicular to the street within the bus shelter. Views both north and south across Waverley Bridge will therefore be punctuated with this and the other panel proposed in application 18/01666/ADV. The introduction of digital illuminated adverts in this location will create visual disruption which is uncharacteristic to this historic area. This will disrupt both the long and short views across the bridge to the Old and New Town. This view is at the heart of the World Heritage Site and represents the fundamental juxtaposition between the two clear defined urban characters.

The advertisements both individually and cumulatively will result in a material change in the character of Waverley Bridge, which at present contains advertisements confined to the Booking Office and the Travel shop. These adverts are established features within commercial frontages, and are not comparable to global advertising on bus shelters, or as a freestanding entity on the pavement.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the Old Town Conservation Area and World Heritage Site. The proposal will have an adverse impact on amenity. The proposal is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds.

c) Equalities and Human Rights

The application has no impacts on equalities and human rights.

d) Public Comments

None received.

Community Council

- No comments were received.

Conclusion

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance. Refusal is recommended.

There are no material considerations which outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Conditions:-

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the historic character of the surrounding area.
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts are not supported on street furniture other than on bus shelters in appropriate location.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area.

Financial impact

4.1 The financial impact has been assessed as follows:

The Council has a contract with the applicant to provide outdoor advertising and street furniture, primarily bus shelters, in the city. The financial impacts to the Council were reported to Finances and Resources Committee on 5 June 2014.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan - The site is located in the Old Town Conservation Area and the Edinburgh World Heritage Site. The site is also part of the Central Area.

Date registered

26 April 2018

Drawing numbers/Scheme

01-04,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

Relevant Policies:

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Appendix 1

Application for Advert Consent 18/01667/ADV At Bus Shelters, Waverley Bridge, Edinburgh New shelter location comprising double sided LCD.

Consultations

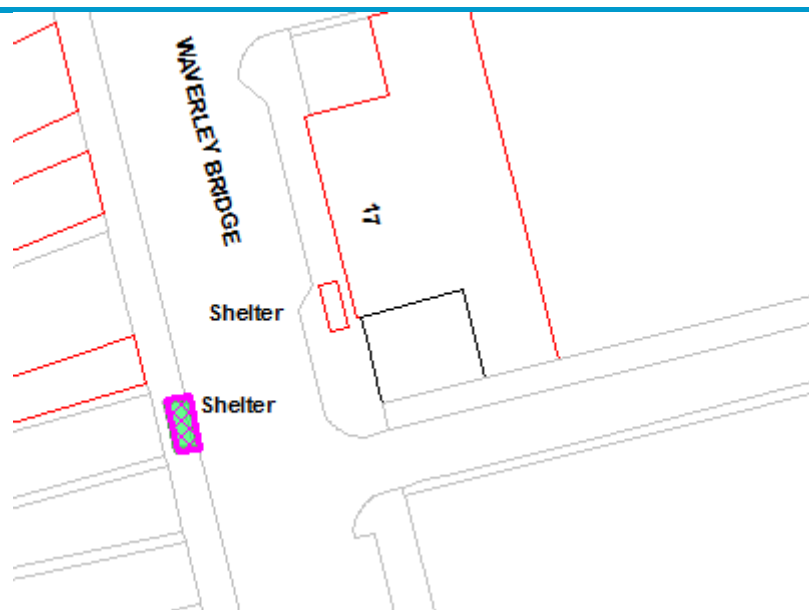
Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital large format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:*
 - a) *there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays;*
 - b) *digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays;*
 - c) *the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
 - d) *Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*
2. *Adverts must not contain moving images or sequencing of images over more than one advert;*
3. *Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
4. *There should be no message sequencing where a message is spread across more than one screen;*
5. *Phone numbers, web addresses details etc should be avoided;*
6. *It is recommended that the speed of change of image should be set to be in effect instantaneous;*
7. *Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;*
8. *Adverts should not resemble existing traffic signs or provide directional advice;*
9. *Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;*
10. *Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;*

11. *The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.*

Location Plan



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Development Management Sub Committee

Wednesday 1 August 2018

**Application for Advert Consent 18/01638/ADV
At Advertising Station, Westfield Road, Edinburgh
Internally illuminated digital display.**

Item number	4.10
Report number	
Wards	B07 - Sighthill/Gorgie

Summary

The advertisement proposed complies with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984. The proposed advertisement will not harm the amenity of the area and is acceptable in terms of road and public safety.

Links

Policies and guidance for this application	NSG, NSADSP,
--	--------------

Report

Application for Advert Consent 18/01638/ADV At Advertising Station, Westfield Road, Edinburgh Internally illuminated digital display

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site comprises two sections of railway embankment and commercial garage premises to the north west of Westfield Road.

Semi mature trees line the northern railway embankment, this providing a wooded backdrop to the site, with galvanised palisade fencing defining the site boundary to the road. A vehicle access route for Network Rail crosses the northern part of the site.

There is an existing advertisement on site, which is smaller than the proposed.

Industrial premises are located opposite the site to the south.

There are no residential properties in the locality of the application site.

2.2 Site History

19/11/2014 - Planning permission granted for advertisement consent for advertisement displays with static LED illumination. (Application Ref: 14/03218/ADV)

Main report

3.1 Description Of The Proposal

The application is for the replacement of an existing roadside advertisement with an internally illuminated, digital advertising board. The board is single sided, pole mounted and of the dimensions 6233 mm x 3300 mm. The LED screen is capable of showing static images that will be automatically replaced every 10 seconds by means of a secure ISDN connection.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of

historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal will have a detrimental impact on amenity;
- b) the proposal will have an adverse impact on road or public safety; and
- c) any public comments made have been addressed.

a) Amenity

The Council's non-statutory Guidance for Advertisements, Sponsorship and City Dressing (ASCD) states that proposals for the erection of roadside advertisements will not normally be acceptable within a conservation area or where overlooked by residential properties. Roadside advertising by means of a pole mounted panel or display on a verge will only be considered in non-residential areas with a commercial backdrop.

The application site is not in a conservation area and has a commercial backdrop. The proposal will also be replacing an existing sign. There are no residential properties in the vicinity of the application site and residential amenity would not be adversely affected by the proposal. The display would be positioned in an area which is visually contained by railway embankments, railway overbridge and industrial premises to the south. Given there is already a sign existing, the proposed new sign will have a minimal visual impact on the existing streetscape.

Digital advertising is acceptable in principle in all its forms in established advertising locations, provided that there are no adverse impacts on amenity and public safety as stated in the ASCD Guidance. Conditions and Informatives have been listed to protect the amenity.

The application complies with the ASCD Guidance. The proposal will have an acceptable impact on the amenity of the locality, in accordance with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

b) Public and Road Safety

The Roads Authority was consulted and raised no objections to the application subject to a number of conditions being imposed. These conditions will protect the safety of the public and road users.

The proposal will have an acceptable impact on public and road safety, in accordance with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

c) Public Comment

No comments have been received regarding this application.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

1. Consent is granted for a period of five years from the date of consent.
2. Advertisements shall be static images only.
3. The intensity of illumination of the advertisement display shall be restricted to 75 candelas per square metre during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. To safeguard public safety.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. This location has been assessed as low risk on balance given that the signs are to replace an existing static backlit sign station. It should be noted that it is a borderline medium risk. Note there have been 4 slight and 1 fatal accidents in the vicinity of the advertising station and at the nearby junction with Roseburn Street. However, the accident causal factors do not appear to be related to the advertising station;
2. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital large format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:
 - a) there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays;
 - b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays;
 - c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);

- d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above a maximum change rate of one static advert every 10 seconds will be permitted at this location (i.e. 6 adverts a minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;

3. Adverts must not contain moving images or sequencing of images over more than one advert;
4. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;
5. There should be no message sequencing where a message is spread across more than one screen;
6. Phone numbers, web addresses details etc should be avoided;
7. It is recommended that the speed of change of image should be set to be in effect instantaneous;
8. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;
9. Adverts should not resemble existing traffic signs or provide directional advice;
10. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
11. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
12. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

No representations were received.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

Adopted Edinburgh Local Development Plan.

Date registered

16 April 2018

Drawing numbers/Scheme

01-03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Annmaree Marwick, Planning officer

E-mail: annmaree.marwick@edinburgh.gov.uk Tel: 0131 529 3902

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Appendix 1

Application for Advert Consent 18/01638/ADV At Advertising Station, Westfield Road, Edinburgh Internally illuminated digital display

Consultations

ROADS AUTHORITY ISSUES

No objections to the application subject to the following being included as conditions or informatives as appropriate:

LARGE FORMAT ADVERTISING SIGNS

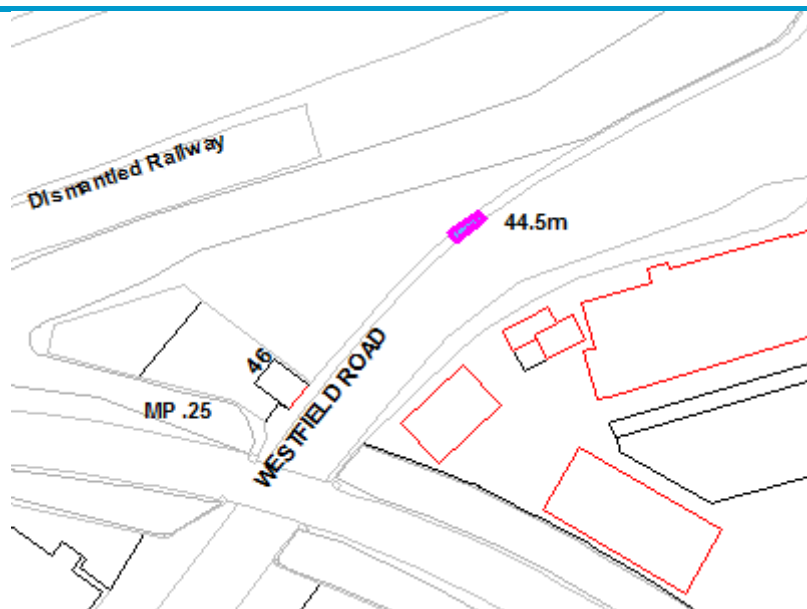
Note:

1. *This location has been assessed as low risk on balance given that the signs are to replace an existing static backlit sign station. It should be noted that it is a borderline medium risk. Note there have been 4 slight and 1 fatal accidents in the vicinity of the advertising station and at the nearby junction with Roseburn Street. However, the accident causal factors do not appear to be related to the advertising station;*
2. *As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital large format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:*
 - a) *there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays;*
 - b) *digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays;*
 - c) *the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
 - d) *Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984.*

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above a maximum change rate of one static advert every 10 seconds will be permitted at this location (i.e. 6 adverts a minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;
3. *Adverts must not contain moving images or sequencing of images over more than one advert;*
4. *Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*

5. *There should be no message sequencing where a message is spread across more than one screen;*
6. *Phone numbers, web addresses details etc should be avoided;*
7. *It is recommended that the speed of change of image should be set to be in effect instantaneous;*
8. *Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;*
9. *Adverts should not resemble existing traffic signs or provide directional advice;*
10. *Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;*
11. *Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;*
12. *The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93*

Location Plan



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END

Development Management Sub Committee

Wednesday 1 August 2018

**Application for Planning Permission 16/06275/FUL
At 35 Lanark Road, Edinburgh, EH14 1TL.
Demolition of existing buildings and erection of purpose
built student accommodation including change of use and
all associated works (as amended).**

Item number	7.1
Report number	
Wards	A02 - Pentland Hills (Pre May 2017)

Summary

The proposal is acceptable in principle and is of a suitable design form and scale which will not have an adverse impact on the character and appearance of the surrounding area. The proposal does not raise any issues in respect of parking, road safety, landscaping, tree retention, biodiversity, flood prevention, waste provision, or equalities and human rights; and will not have a detrimental impact on the setting of any listed buildings, the amenity of neighbouring residents or development of a site of archaeological significance. The minor infringement of green belt policy is considered to be acceptable in this case.

Outcome of previous Committee

This application was previously considered by Committee on 06.06.2018

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES05, LDES10, LTRA02, LTRA03, LDES09, LEN03, LEN09, LEN10, LEN11, LEN12, LEN15, LEN16, LEN21, NSG, NSGD02, NSGSTU,

Report

Application for Planning Permission 16/06275/FUL At 35 Lanark Road, Edinburgh, EH14 1TL. Demolition of existing buildings and erection of purpose built student accommodation including change of use and all associated works (as amended).

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site comprises a car dealership and motor vehicle garage located on the southern side of Lanark Road. The site covers a total area of 0.17 hectares and is located directly adjacent to the Water of Leith which runs adjacent to its southern boundary.

The Union Canal and Towpath are situated directly to the north west of the site on the opposite side of Lanark Road. The Canal and the Slateford Aqueduct are scheduled ancient monuments. A group of category B listed buildings including the Cross Keys Inn (listing reference: LB30121, listing date: 12 December 1974), former Slateford Church (listing reference: LB30017, listing date 12 December 1974, and the Old Manse House (listing reference: LB30122, listing date: 12 December 1974) are located immediately to the south west of the site.

The surrounding area has a mixed residential/commercial character, consisting of one and two storey original historic buildings, some of which have been converted into commercial uses, and more modern contemporary style flatted buildings located to the north and west. Commercial uses including the Longstone Sainsbury's Supermarket and industrial units are located to the north.

The majority of the site is located adjacent to the Green Belt, Water of Leith Special Landscape Area and Local Nature Conservation Site. A small section on the southern boundary of the site falls within these designations.

2.2 Site History

1993 - Planning permission granted to extend premises to form MOT unit (application reference: 93/00391/FUL).

22 May 2001 - Application for outline planning permission to demolish existing buildings and erect a 24 flatted development abandoned (application reference: 01/01143/OUT).

10 August 2001 - Planning application for the construction of a 3 metre high stone retaining wall around the site boundary of 37-39 Lanark Road abandoned (application reference: 01/00457/FUL).

3 February 2004 - Planning application for proposed flatted development of 29 units withdrawn (application reference: 03/03107/FUL).

20 January 2014 - Planning application for a proposed flatted development of 15 units withdrawn (application reference: 06/02249/FUL).

19 December 2016 - Planning permission refused for a change of use at 27, 35, 37-39 Lanark to purpose built student accommodation and erection of two new high quality, managed student residences. Both blocks were to have office/reception and communal area with associated facilities at ground floor level, landscaping, amenity space and cycle storage. The proposal was refused due to it primarily being a non-conforming use within the green belt, having a damaging impact on the Water of Leith Special Landscape Area, loss of trees and issues relating to design, form, scale, amenity of future occupiers and housing provision on the site (application reference: 15/05401/FUL).

Main report

3.1 Description Of The Proposal

The proposal seeks planning permission for the construction of four separate blocks of purpose built student accommodation totalling 105 studio units. All of the individual units will be en-suite and encompass individual cooking facilities, with a main reception and break out area situated at ground floor within the courtyard block. One block will run parallel to the northern boundary of the site and will consist of three interlinked buildings with mansard roofs which rise in height from west to east. The easternmost building will measure 6.9 metres in height at eaves level and 10.15 metres in height at its highest point. The westernmost building will measure 11 metres in height to eaves level and 14.8 metres in height at its highest point. The exterior walls will be finished in white roughcast and the roof in cupa slates.

The building located adjacent to the eastern boundary of the site will be of pitched roof design encompassing a total of four storeys. The building will measure 10.7 metres in height to eaves level and 16.9 metres in height at its highest point. The exterior walls will be finished in red facing brick and the roof in cupa slates.

The proposal includes an access pend and internal courtyard accessed from Lanark Road. The courtyard provides parking provision for five vehicles, a bike store and two tier bike racks providing 100% cycle parking provision for the development.

The original proposal was amended to reduce the height of the building located adjacent to the eastern boundary of the site, increase the overall number of rooms from 92 to 105 and change the layout of the rooms. It is now intended for each individual room to have its own cooking facilities as opposed to communal kitchen areas for groups of rooms. The proposal was also further amended to alter the positioning of the windows of three of the rooms on the western block and all of the rooms on the first

three floors of the pitched roof building in order to allow all rooms within the development access to acceptable levels of daylight.

Supporting Documents

The applicant has submitted the following documents in support of the application which are available to view via planning and building standards online services:

- Ecology Report
- Landscape and Visual Appraisal
- Design and Access Statement
- S1 Sustainability Statement Form
- Flood Risk Assessment and Drainage Strategy Report
- Visualisation

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The proposal is acceptable in principle and will result in the creation of a satisfactory living environment;
- b) The proposal is of an appropriate design, form and scale and will not have a detrimental impact on the character and appearance of the surrounding area or the Water of Leith Special Landscape Area;
- c) The proposal raises any issues in respect of parking, road safety or waste provision;
- d) The proposal raises any issues in respect of landscaping and tree retention;
- e) The proposal will have any impact on the setting of listed buildings;
- f) The proposal will have an adverse impact on the amenity of neighbouring residents;
- g) The proposal will affect local biodiversity;

h) The proposal raises any issues in respect of flood prevention. The proposal raises any issues in respect of contaminated land;

j) The proposal raises any issues in respect of the development of a site of archaeological significance;

k) Any issues raised in the representation have been addressed; and,

l) The proposal raises any issues in respect of equalities and human rights.

a) Principle of the Development

Policy Hou 8 of the adopted Edinburgh Local Development Plan (LDP) states that planning permission for purpose built student housing will be granted where the location is appropriate in terms of access to university and college facilities by walking, cycling and public transport; and provided the proposal would not result in an excessive concentration of student accommodation to an extent that would be detrimental to the maintenance of balanced communities.

In addition to LDP policy Hou 8, the Council's Student Housing Guidance outlines the location and design guidance to be applied to proposals for student housing. Part a) accepts student housing in locations within or sharing a boundary with a main university. For locations out with criteria a), student housing will generally be supported on sites with less than 0.25 hectares (ha) of developable area. This application site does not share a boundary with a university or college campus but is not greater than 0.25 hectares in area. The nearest university facility is Edinburgh Napier University's Craiglockhart Campus which is located half a mile to the south east.

In terms of access the site is located in very close proximity to both the Water of Leith Walkway and the Union Canal Footpath/Cycle Path. The Water of Leith Walkway can be accessed from Lanark Road directly. The Union Canal Cycle Path is situated close by to the north, with points of access provided from the Water of Leith Walkway at Slateford Aqueduct and the Prince Charlie Aqueduct located to the east of the site on Lanark Road. The Water of Leith Walkway provides pedestrian access to the north of the city, with the Union Canal providing ease of access to Fountainbridge, close to the city centre.

The site is served by four separate Lothian Buses bus routes. Bus numbers 34 and 36 provide direct access to the Heriot Watt campus at Riccarton, the Edinburgh Napier University campus at Sighthill and Edinburgh College. Bus number 36 also provides access to the Edinburgh Napier University Campus on Colinton Road. Numbers 34 and 44 provide access to the city centre with several stops situated within convenient walking distance of Edinburgh University's City Centre Campus.

The surrounding area has a mixed residential/commercial character which encompasses detached and semi-detached residential dwellinghouses, flatted properties and several commercial uses including the Longstone Sainsbury's and several warehouse units located to the north of the site. The site is not identified within the Council's Student Housing Guidance as having a concentration of students comprising more than 20% of the population, and is also identified as having a relatively low number of students living in both private accommodation and university

managed accommodation. The nearest purpose built student accommodation building is the Mill House, located at 400 Gorgie Road located one mile to the North East. The introduction of student accommodation in this location will not therefore disrupt the balance of the community.

The site lies in relatively close proximity to Redhall Park and Meggatland Sports Complex, providing students with ease of access to outdoor amenity sites.

The site is not identified within the June 2014 LDP Housing Land Study as having a high probability of delivering housing and is not greater than 0.25 ha in area. Therefore, in accordance with criteria c) of the Student Housing Guidance, there is no requirement to include a portion of housing as part of the proposed development .

Given the lack of purpose built student accommodation nearby to the site and the existing varied character, it is not considered that the proposal will disrupt the existing community balance or have a detrimental impact on the character and residential amenity of the locality. The site is well served by existing transport links and will result in the creation of a satisfactory living environment.

A small section of the development along the south eastern and eastern boundaries will protrude into land which is designated as being green belt in the LDP. The areas affected encompass an 80 square metre section of ground to the south east on which the bike store and a section of two car parking spaces and the pitched roofed building will be constructed; and a 45 square metre section of land directly to the east which will be converted to hardstanding. The area of the development which will extend into the green belt comprises 7.3% of the overall site area and the majority of the site therefore falls out with the green belt. The area of land affected comprises a mixture of marsh and grass separating the existing vehicle storage yard from the Water of Leith.

LDP Policy Env 10 provides guidance on appropriate development within the green belt and to ensure that development keeps the landscape quality and/or rural character of the area. The area of green belt land which is affected is relatively small and represents a minor part of the overall greenbelt. The land is not publically accessible and development on a small area of land which is already bordered by hardstanding will not detract from the landscape quality of the area. The section of the development situated within the green belt is acceptable and will not have an adverse impact on the overall quality, character or appearance of the greenbelt.

The potential to provide a satisfactory living environment has been assessed. The proposal includes provision for 105 students to reside within the development and incorporates a break out area for students to socialise and meet in. Cooking facilities will be located within each room and laundry facilities will be provided on site.

Nine living spaces within the original scheme were identified as being not in compliance with the vertical sky component test outlined in the Edinburgh Design Guidance. The affected flats comprised individual flats at ground, first and second floor level on the southern elevation of western block; and a total of six flats, two each at ground, first and second floor level on the western elevation of the pitched roof block. The windows of the previously affected flats on the western block have been moved further to the west to ensure they are now free of obstruction. The windows of the previously affected flats on the pitched roof block have now been reoriented to face southwards in order to

access adequate levels of daylight. All the other windows at ground, first and second floor level on the pitched roof block have also been reoriented to face southwards in order to achieve a suitable degree of design uniformity across these floors. All of the apartments now comply with the VSC test and all prospective residents will receive acceptable levels of daylight.

The proposal is acceptable in principle and complies with LDP Hou 8. A minor infringement of LDP policy Env 10 in respect of the section of the development within the green belt is acceptable.

b) Character and Appearance of the Surrounding Area and the Water of Leith Special Landscape Area

LDP policy Des 1 states that planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character and appearance of the area around it. Policy Des 10 states that planning permission will be granted for development on sites adjoining a watercourse where the proposal provides an attractive frontage to the water. In addition policy Env 11 states that planning permission will not be granted for development which would have a significant adverse impact on the special qualities of Special Landscape Areas.

The three blocks of accommodation situated along the northern boundary of the site all rise gradually in height as they progress to the east. The highest point of the westernmost block sits in line with the highest point of the Cross Keys Public House situated to the west. The gradual rise in the height of the buildings serves to mirror the manner in which the topography of the street results in the buildings situated to the west of the site reducing in height gradually when approaching the application site from the west, providing a sense of symmetry within the streetscape.

The pitched roof red brick block adjacent to the eastern elevation of the site forms the most prominent feature on the site. The height of this building has been reduced from the original scheme, and its overall impact on the character of the streetscape is acceptable. The block will not obscure views of the south bank of the Water of Leith when approaching the site from the east.

The use of roughcast and red brick for the exterior walls and cupa slate for the roof tiles is appropriate and adequately reflects the appearance of neighbouring buildings situated on the southern side of Lanark Road. Several of the buildings situated on the southern side of Lanark Road to the west of the site encompass white roughcast and render on their respective elevations, while the premises at number 47-49 is built from red sandstone. The surrounding buildings encompass a variety of roof styles and pitches; and the roof styles of the blocks on the site will not form incongruous features within the streetscape.

The southern boundary of the site directly adjoins the Water of Leith. However, the site is currently in use as a motor vehicle repair facility and as such is not directly accessible to members of the public. In addition, the area of the development highlighted in section a) of the report as being within the green belt is also situated within the Water of Leith Special Landscape Area (SLA). The area affected is small in scale and concerns an area of land which is already bordered by hardstanding. The proposal will predominantly maintain the degree of separation which currently exists

between buildings on the site and the Water of Leith and will not have an adverse impact on the SLA.

The proposal will not have an adverse impact on the character and appearance of the surrounding area, the frontage to the Water of Leith, or the Water of Leith SLA. The proposal complies with LDP policies Des 1, Des 10 and Env 11.

c) Parking, Road Safety and Waste Provision

LDP policies Tra 2 and Tra 3 state that planning permission will be granted for development where proposed car parking and cycle parking provision complies with the standards set out in Council guidance.

The proposal includes provision for five car parking spaces and one cycle storage space per resident which will be provided through an indoor bike store and two tier bike racks situated in the south western corner of the site. The Roads Authority was consulted on the proposal and raised no objection to the proposed parking or cycle provision. No concerns were raised in respect of road safety issues.

LDP policy Des 5 states that planning permission will be granted for development where it has been demonstrated that refuse and recycling facilities have been sensitively integrated into the design. The proposal includes provision for refuse storage on site.

The City of Edinburgh Council no longer operates a refuse collection facility for commercial and non-domestic premises. The premises operator will be responsible for making arrangements with a private contractor for the storage and disposal of waste from the site.

The proposal does not raise any concerns in respect of vehicle parking, cycle parking or road safety and complies with policy Tra 2.

d) Landscaping and Tree Retention

LDP Policy Env 12 states that development will not be permitted if likely to have a damaging impact on trees or woodland worthy of retention unless necessary for good arboriculture reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

Nine trees situated on the section of land located between the eastern and southern boundaries of the site and the Water of Leith are shown as being earmarked for removal as part of the construction process on the submitted tree removal plan. However, the land on which these trees are situated does not form part of the application site boundary as defined by the red line running around the site on the submitted location plan. This land is only denoted as being under the ownership of the applicant. Any permission granted would not therefore encompass the trees shown on this plan. In addition, these trees are not located within a conservation area and are not covered by a Tree Preservation Order and therefore the planning authority does not have any direct control over their maintenance or removal.

A cluster of eight *fraxinus alnus* trees located within the south western corner of the site are denoted as being retained and will be monitored during the construction process

and once under the new site management. These trees are not denoted for removal as part of this application.

A condition will be attached requiring detailed landscaping and tree protection measures to be submitted for final consideration by the planning authority before development commences on site.

The grant of planning permission does not remove the requirement to obtain any other necessary consents required in connection with works to remove trees outwith the application site. An informative to this effect will be included with any consent granted.

The proposal does not raise any issues in respect of tree preservation and landscaping and complies with LDP Env 12.

e) Setting of listed buildings

LDP policy Env 3 states that development affecting the setting of a listed building will be permitted only if not detrimental to the setting of the building.

The application site borders three listed buildings situated directly to the west. The Cross Keys Public House, the former Slateford Church and the Old Manse are all category B listed buildings.

The development reduces in height towards the west of the site. An area of open space provides a degree of separation between the development and the church and manse house, ensuring neither will be dominated by the proposal. The height of the block sited closest to the Cross Keys Pub will not extend beyond the highest point of the building, ensuring its setting is not adversely affected.

The proposal will not be detrimental to the setting of the nearby listed buildings and complies with LDP policy Env 3.

f) Amenity of Neighbouring Residents

Policy Des 5 states that planning permission will be granted for development where the amenity of neighbouring developments is not adversely affected.

The development will not result in any adverse overshadowing or loss of daylight for any nearby residential property. The windows on the blocks which face onto a boundary wall adjoining a residential property to the west are all a minimum of nine metres away from the boundary, maintaining minimum privacy requirements.

Purpose built student accommodation is expected to include provision for on-site managerial and security personnel to be present at the premises on a 24 hour basis. The continuous presence of on-site staff would ensure that the behaviour of students residing within the premises can be monitored and ensure any instances of anti-social behaviour occurring on the premises are dealt with effectively.

The proposal complies with LDP policy Des 5 and will not have an adverse impact on the amenity of neighbouring residents.

g) Impact on Biodiversity

LDP policy Env 16 states that planning permission will not be granted for development that would have an adverse impact on species protected by European Law. LDP Policy Env 15 states that development likely to have an adverse impact on flora, fauna, landscape or geological features of a local nature conservation site will not be permitted.

The section of the Water of Leith situated directly to the south of the application site is designated as being a Local Nature Conservation Site in the LDP. In addition, the area of the site highlighted in sections a) and b) as being with the green belt and Water of Leith Special Landscape Area is also designated within the LDP as a Local Nature Conservation Site. Any development on the site therefore has the potential to affect local biodiversity and wildlife habitats. An ecology survey was undertaken in 2017 and has been submitted in support of the application detailing the potential impact of the proposal on local wildlife and biodiversity. The impact of the proposal is considered to be acceptable subject to conditions prohibiting tree works during periods which may affect bird breeding, and requiring a method statement for the removal of invasive species identified on site which were identified by the survey.

The proposal will not have an adverse impact on local biodiversity or species protected by European Law, or the flora, fauna landscape or geological features of the local nature conservation site. The proposal complies with LDP policies Env 15 and Env 16.

h) Flood Prevention

LDP policy Env 21 states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself.

Both the Council's Flood Prevention Section and the Scottish Environmental Protection Agency (SEPA) were consulted on the potential flood risks of the proposal. Neither Flood Prevention nor SEPA raised any objection to the final scheme and the proposal will not increase a flood risk or be at risk of flooding itself.

The proposal complies with LDP policy Env 21.

i) Contaminated Land

Environmental Protection was consulted on the proposal and requested that a condition be attached to any final consent requiring a contaminated land survey to be undertaken. A condition requiring a survey will be included as part of any permission issued.

j) Development of a Site of Archaeological Significance

LDP policy Env 9 states that planning permission will be granted for development on sites of known or suspected archaeological significance if it can be concluded from information derived from either a desk-based assessment that no significant archaeological features are likely to be affected by the development.

The City Archaeologist was consulted on the proposal and raised no objection subject to the inclusion of a condition requiring a written scheme of investigation to be submitted and agreed by the planning authority.

The proposal does not raise any issues in respect of the development of a site of archaeological significance and complies with LDP Env 9.

k) Issues Raised in Representations

Objection Comments

Material Considerations:

- The proposal involves development within the green belt - addressed in section 3.3 (a).
- Proposal represents overdevelopment and will have a detrimental impact on the character and appearance of the surrounding area - addressed in section 3.3 (b).
- Proposal will have a detrimental impact on the landscape of the Water of Leith - addressed in section 3.3 (d).
- Insufficient parking provision - addressed in section 3.3 (c).
- Proposal will result in unacceptable pressure on local cycle network - addressed in section 3.3 (c).
- Loss of trees - addressed in section 3.3 (d).
- Adverse impact on local biodiversity and wildlife - addressed in section 3.3 (g).
- Proposal will have a detrimental impact on the setting of nearby listed buildings - addressed in section 3.3 (e).
- Proposal will have a detrimental impact on the amenity of neighbouring residents - addressed in section 3.3 (f).
- Proposal will have an adverse impact on local waste collections - addressed in section 3.3 (c).
- The proposal does not include provision for residential accommodation - addressed in section 3.3 (a).

Non-Material Considerations

- the application site is denoted as being adjacent to the green belt in the adopted Edinburgh Local Development Plan but is not located within the green belt.

- The company name of the existing company using the site should be clarified before the application proceeds - the name of the company using the site at present is not a material consideration in respect of this application.

- Issues relating to ownership of land reclaimed from the water of Leith - issues relating to land ownership are a civil issue.

Support Comments

Material Considerations

- Proposal is acceptable in principle - addressed in section 3.3 (a).

- Proposed development is of an appropriate design and does not have an adverse impact on the character of the surrounding area - addressed in section 3.3 (b).

- Proposal will encourage use of local cycle network - addressed in section 3.3 (c).

Community Council

Craiglockhart Community Council (CCC) and Longstone Community Council (LCC) both objected to the proposal. CCC raised objection to the principle of the proposal, the height, form and scale of the development, the impact of the development on the character and appearance of the surrounding area and the setting of the Water of Leith, transport, parking and the impact on local biodiversity. LCC objected on similar grounds and also in relation to the levels of daylight which would be received by future occupants and loss of trees.

I) Equalities and Human Rights

The proposal has been assessed and does not raise any issues in respect of equalities and human rights.

Conclusion

In conclusion, the proposal is acceptable in principle and is of a suitable design form and scale which will not have an adverse impact on the character and appearance of the surrounding area. The proposal does not raise any issues in respect of parking, road safety, landscaping, tree retention, biodiversity, flood prevention, waste provision, or equalities and human rights; and will not have a detrimental impact on the setting of any listed buildings, the amenity of neighbouring residents or development of a site of archaeological significance.

Addendum to Assessment

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. Prior to the commencement of development, a site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development. Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

3. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
4. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".
5. Prior to the commencement of development, a method statement shall be submitted to the planning authority detailing what measures shall be employed to eradicate Japanese Knotweed and Himalayan Balsam located on the site. The measures outlined in any such statement to be implemented prior to the occupation of the development.
6. No tree works or scrub clearance shall occur on site from 1st March through to 31st August each year.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In order to safeguard protected trees.

5. In order to prevent the spread of Japanese Knotweed and Himalayan Balsam and safeguard the local environment.
6. In order to avoid disturbance during bird breeding.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

3. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

4. All energy systems must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass.

5. The site should be served by at least one electric vehicle charging outlet and should be of the following standard; 70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

6. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

7. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth)

8. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road.

9. Any gate or doors must open inwards onto the property.

10. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012.

11. Any works to the footway must be carried out under permit and in accordance with the specifications. See Road Occupation Permits

http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point.

12. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.

13. This application site is defined as being all land within the solid red line as shown on approved drawing 03A, agents reference PL (2-) 003. Any consent granted shall only be applicable to land situated within the application site. This consent does not extend to the additional land denoted as being owned by the applicant and outlined in shaded blue on approved drawing 03A, agents reference PL (2-) 003. The granting of this consent does not remove the requirement to obtain any other necessary consents to undertake development or tree removal on the land out with the application site.

14. Any combined heat and power plant (CHP) installed on the site must be compliant with the Clean Air Act 1993.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The proposal attracted thirty five letters of objection, three neutral comments and eighteen letters of support. Individual letters of objection were received from Craiglockhart Community Council, Longstone Community Council and the Water of Leith Conservation Trust. A full summary of the matters raised by objectors and supporters can be found in section 3 of the main report.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is designated as being within the urban area in the adopted Edinburgh Local Development Plan.

Date registered

20 December 2016

Drawing numbers/Scheme

01 - 02, 03B, 04A, 05C, 06B, 07B, 08C, 09C, 11C, 12B,, 13C, 14A, 15A, 16-19,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: James Allanson, Planning Officer

E-mail:james.allanson@edinburgh.gov.uk Tel:0131 529 3946

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines Student Housing Guidance interprets local plan policy, supporting student housing proposals in accessible locations provided that they will not result in an excessive concentration.

Appendix 1

Application for Planning Permission 16/06275/FUL At 35 Lanark Road, Edinburgh, EH14 1TL. Demolition of existing buildings and erection of purpose built student accommodation including change of use and all associated works (as amended).

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the demolition of existing buildings and erection of purpose built student accommodation including change of use and all associated works.

The site occupies the eastern half of the historic village of Slateford which, as the name suggests, grew up around the historic ford across the Water of Leith at this point. Occupation around such an important ford is likely to have occurred prior to the first reference to the settlement here in the mid-17th century (Stuart Harris Place Names of Edinburgh, 1996) with the road forming main medieval route between Edinburgh & Lanark. Little is accurately known about the pre 19th century layout of Slateford, though the 17th and 18th century maps suggest that its main focus was split between the site of its mill on Logie Green Road and on the eastern bank of Water of Leith (the site of the current public house). By the mid-19th century settlement on the western bank had developed with a range of buildings shown occupying this application site on the 1st edition OS map (the remains of which are still seen in the surviving boundary wall fronting Lanark Rd)

Mills have existed on the Water of Leith at Slateford from probably the medieval period, with Slateford Waulk Mill first recorded in 1659. This 17th century mill stood on the opposite side of the Lanark Road, too the south of the Union Canal Aqueduct. The development site is known to overly the remains of the mill-lade associated with this 17th-20th century Mill. Furthermore, it is recorded that a sluice gate once stood on the river boundary of the site before disappearing under a development of the car park by late 1980's. The date of the current stone weir is unknown however it is likely to date at least in part to the 17th century given its association with Slateford Mill.

The site is regarded as occurring within an area of archaeological significance relating both to the historic Settlement of Slateford and in particular its post-medieval milling industry. As such this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan Policies ENV9.

Historic Buildings

The current site is occupied by a range of buildings and boundary walls which appear to date back in part to the 19th century. The proposed scheme will see the demolition of these structures and walls considered to be local archaeological interest, as such their loss is considered as having a significant but acceptable impact subject to their recording. Accordingly, if permission is granted it is essential that prior to and during demolition that a detailed historic building survey is undertaken. This will require the production of surveyed phased plans and elevation (interior and exterior) along with detailed descriptions and photographic analysis /survey.

Buried Archaeology

As stated this site is regarded as being of archaeological significance primarily in terms of its post-medieval industrial and settlement archaeology associated with Slateford. The proposed development will require extensive excavations in terms of demolition, construction, landscaping, utilities etc. Accordingly, it is recommended that a programme of archaeological excavation is undertaken post-demolition and prior to development.

In essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection of the surviving mill dams/lade and the full excavation, recording and analysis of any further surviving archaeological remains.

Archaeological Public Engagement

Further given the potential importance of these remains in terms of the local Slateford Area and the Water of Leith, it is recommended that the programme of archaeological works contain a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.

Accordingly, it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

'No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building recording, preservation, excavation, reporting & analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Environmental Protection

This application proposes to demolish a vehicle repair and car sales garage and erect residential student apartments. A dwelling house on the site is also to be demolished. There is a public house located to the east of the site separated by the Water of Leith.

A public house ,the former church which is in use as a business and the former church manse which is in residential use are located to the west of the application site .The Water of Leith is located to the south of the site boundary. To the North of the site is the Lanark Road, a Railway Viaduct and a large Sainsbury Store.

Current uses of the site would indicate that it has the potential to be contaminated and in this regard the site would need to be assessed and remediated where required in the event of any consent being granted. A condition is recommended below in this regard.

However, before Environmental Protection could consider supporting this application, it will be necessary to know if the applicant intends installing a Combined Heat and Power plant (CHP), what fuel type will serve the CHP and what the power inputs/outputs will be.

Any CHP must be compliant with the Clean Air Act 1993.

In addition, due to the proximity of the proposed development to a busy main road and line of sight with a railway viaduct it is considered appropriate that a noise impact assessment be undertaken to determine the effect of road and rail traffic noise on the proposed residential apartments.

It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of Electric Vehicle (EV) charging points.

The City of Edinburgh Parking Standards for Development Management also now encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:

- Dedicated parking spaces with charging facilities.*
- Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology Environmental Protection recommends that the site is served by at least one electric vehicle charging outlet and should be of the following standard;

70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

Grants are also available for the installation of EV charge points more information can be found at;

<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>

We encourage the developer to work with this service to produce a Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impacts;

1. Car Club facilities (electric and/or low emission vehicles).
2. Provision of electric vehicle charging facilities.
3. Public transport incentives.
4. Improved cycle/pedestrian facilities and links.

Environmental Protection also advise the applicant that all energy systems must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass.

Informative

Prior to the commencement of any construction works on site:

- (a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*
- (b) Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.*

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

Electric vehicle Charging outlet(s) should be of the following standard:

70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

Electric vehicle charging points should be installed in accordance with Transport Scotland's Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles (2013).

When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993

SEPA

Thank you for your consultation email which SEPA received on 3 February 2017.

Advice for the planning authority

We object to this planning application on the grounds of a lack of information regarding flood risk and surface water drainage. We will review this objection if the issues detailed below in Section 1 and 2 are adequately addressed.

1. *Flood risk*

1.1 We have reviewed the information provided in this consultation and it is noted that the application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of fluvial flooding.

1.2 Insufficient information is provided with this consultation for us to assess flood risk at this site. We therefore object to this development until a Flood Risk Assessment is provided in support of the application. We will review our objection on flood risk grounds if a Flood Risk Assessment demonstrates that the development accords with the principles of Scottish Planning Policy, Flood Risk Management (Scotland) Act 2009 and SEPA Guidance.

1.3 No finished floor levels have been provided on the basement level plan. We would require information on the likelihood of the basement flooding during a 1:200 year event, including an allowance for climate change. Consideration may also need to be given to the use of water resilient/resistant materials during construction.

1.4 Finished floor levels are set to be at 61.6mAOD. We would like clarification that the finished floor levels are above the 1:200 year flood event including a freeboard allowance, as well as due consideration given to climate change.

1.5 Details should be provided of any volume of floodplain lost and associated compensatory storage. This should be calculated using the design flows, giving due consideration to climate change. A hydraulic model should be run to show pre- and post- development water levels at the site and also upstream and downstream to ensure there is no impact on flood risk.

1.6 It should also be demonstrated that safe access/egress from the property can be provided during a 1 in 200 year flood event.

1.7 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

2. Surface water drainage

2.1 We have also objected to the application as there do not appear to have been any proposals for surface water drainage included. We will review this objection if a scheme for sustainable drainage (SUDS) surface water treatment is provided which demonstrates there will be no unacceptable adverse impact on the water environment.

2.1 To demonstrate that adequate SUDS are being provided for the development, the applicant will need to support the SUDS scheme with the output from the Simple Index Approach (SIA) Tool (as set out in Chapter 26 of the SUDS Manual). An "SIA total" should be provided for (a) roads, (b) roofs and (c) parking and hardstanding areas along with a drainage plan confirming what SUDS treatment will be provided on site.

2.2 Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

2.3 Further guidance on the design of SUDS systems and appropriate levels of treatment can be found in the CIRIA C697 manual entitled *The SUDS Manual*. Advice can also be found in our Guidance Note *Planning advice on sustainable drainage systems (SUDS)*. Please refer to the SUDS section of our website for details of regulatory requirements for surface water and SUDS.

3. Waste water drainage

3.1 *The planning application details that the proposed development will be utilising the public sewer for foul drainage. The applicant should consult with Scottish Water to ensure a connection to the public sewer is available and whether restrictions at the local sewage treatment works will constrain the development. If the proposal should change we would wish to be consulted at the earliest opportunity.*

Detailed advice for the applicant

4. Flood risk

4.1 *The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland.*

4.2 *We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction Policy 41 (Part 2).*

4.3 *Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.*

4.4 *Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.*

4.5 *The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation.*

Regulatory advice for the applicant

5. Regulatory requirements

5.1 *Any works to the river banks, including reinforcement or alteration, are likely to require authorisation from us under the Water Environment (Controlled Activities) (Scotland) Regulations 2011.*

5.2 *Our preference would be that all the technical information required for all permissions and licensing is submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising.*

5.3 *Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulations team in your local SEPA office at: Silvan House, 231 Corstorphine Road, Edinburgh, EH12 7AT tel: 0131 273 7296*

SEPA - Updated Response April 2018

We are now in a position to remove our objection to the proposed development on flood risk grounds. Notwithstanding the removal of our objection, we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

Advice for the planning authority

1. Flood Risk

1.1 We previously responded to this application on the 12th of February 2018. We maintained our objection and requested that the Flood Risk Assessment (FRA) be updated to take account of SEPA's advice on design flow estimates and recommendation for the relocation of building footprints so that they are sited outwith the agreed 1 in 200 year flood extent.

1.2 Since our previous letter it has been agreed between SEPA and Kaya Consulting that a flow of 79.5m³/s is to be used for the 1 in 200 year event. Kaya Consulting have since sent in a revised 1 in 200 year flood extent, which we accept.

1.3 Review of drawing PL(2-)003 indicates that the bike store on the south side of the east building will encroach into the functional floodplain. The bike store will be at risk from floods approaching the design flood event but we are satisfied that accommodation will be located outwith the 200 year flood extent. We would recommend that flood resistant and resilient materials are used during the design and construction of the development.

Detailed advice for the applicant

2. Flood Risk

Caveats & Additional Information for Applicant

2.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>.

2.2 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

2.3 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all

standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

3.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

3.3 You may need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office.

3.4 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office.

Police Scotland

We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
2. *A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
3. *Any gate or doors must open inwards onto the property;*
4. *Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;*
5. *Any works to the footway must be carried out under permit and in accordance with the specifications. See Road Occupation Permits*
http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point
6. *All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport;*
7. *A welcome pack should be provided for each resident containing a high quality map of the neighbourhood, showing cycling, walking and public transport routes to key*

local facilities, plus timetables for local buses and trains. The applicant should consider providing at least a month's bus or rail travel vouchers for each resident.

Note:

- *Current Council parking standards require between 9 and 17 spaces for the development of 97 student rooms. The applicant proposes to provide 5 spaces. Given the restricted nature of the site, the proximity to public transport, the on-road parking restrictions and the proposed travel plan, this is considered acceptable in this case;*
- *There are 'Greenway' restrictions on Lanark Road which prevent parking and loading at certain times. There is no intention to amend these restrictions in connection with this development and the applicant should ensure that the proposed development does not require amendments to the restrictions or layout of the road. It is noted that the submitted drawings do not accurately reflect the existing road layout.*

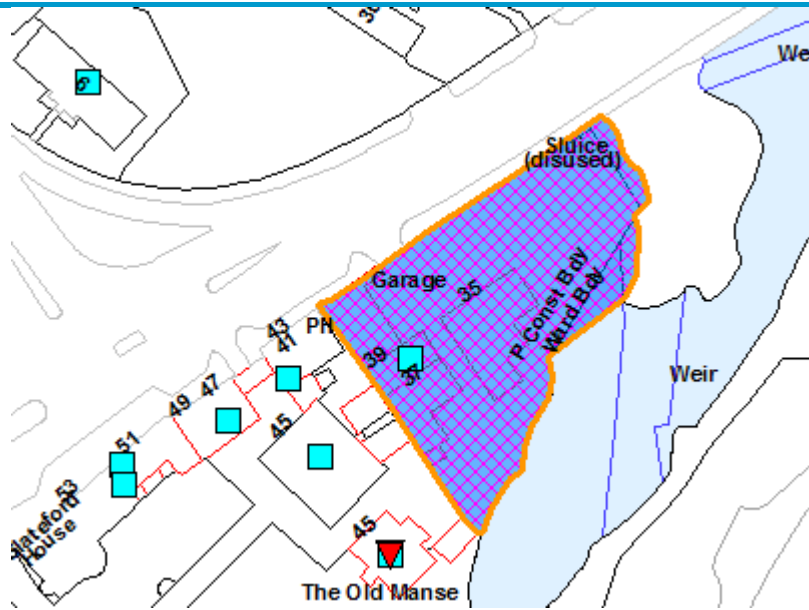
Flood Prevention

I have now reviewed the most recent copy of the FRA and am happy for this to proceed to determination.

Please note my previous comment from email 10 October about the surface water discharge-

"The proposed diameter of the vortex flow control device is 63mm. Flood Prevention request that best practice is followed and a diameter of 75mm is selected to minimise blockage risk. The subsequent increase in surface water flows will be acceptable to CEC and updated calculations will not be required to be provided by SBA."

Location Plan



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END

Development Management Sub Committee

Wednesday 1 August 2018

**Application for Planning Permission 18/00715/FUL
At 189 Morrison Street, Edinburgh, EH3 8DN.
Amendment to 10/02373/FUL to enable changes to buildings
H1, H2, H3, H4 & H5 (as amended).**

Item number	7.2
Report number	
Wards	B11 - City Centre

Summary

The proposals are consistent with the objectives for the redevelopment of this part of the city and are supported by the development plan. The development is appropriate in terms of design, scale and materials. It will not impact on the historic environment or existing residential amenity or adversely affect road or pedestrian safety. The proposals are acceptable and there are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES04, LDES05, LDES06, LDES07, LDES08, LEN01, LEN03, LEN06, LEN09, LTRA02, NSG, NSGD02, NSMDV, NSLBCA, CRPWEN, CRPNEW,
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Report

Application for Planning Permission 18/00715/FUL At 189 Morrison Street, Edinburgh, EH3 8DN. Amendment to 10/02373/FUL to enable changes to buildings H1, H2, H3, H4 & H5 (as amended).

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is the former Haymarket goods yard, located in the City's West End, opposite Haymarket Railway Station at the junction of Morrison Street and Dalry Road. The site occupies an area of 1.7 hectares. There are railway tunnels that run under the site at its northern end in an east-west direction.

The properties opposite, to the north, on Morrison Street are commercial at street level with two or three storeys of residential above. The properties from 266 Morrison Street onwards and around to West Maitland Street are category C(s) listed and were listed on 14.12.1970 (LB Ref: 47727).

To the north-west is Clifton Terrace with 2-storey properties rising to 4-storeys at the corner of Grosvenor Street. The uses are mixed commercial. Grosvenor Street is predominantly a residential street, characterised by 3-storey Georgian properties with attic accommodation. 1-25 and 2-24 Grosvenor Street are category B listed buildings, listed on 10.12.1964 (LB Ref: 28977 and 28978).

To the west, across Dalry Road, is the category B-listed Ryries public house situated on the Haymarket junction, listed on 09.02.1993 (LB Ref: 26926). Haymarket railway station sits further to the west and is A-listed, listed on 27.10.1964 (LB Ref: 26901).

Properties on Dalry Road are predominantly commercial with 2-storey residential use on the upper levels; these form part of the Dalry colonies.

To the south are wholly residential properties in the Dalry colonies, which are category B-listed; and the 4-storey developments of Morrison Crescent, and Fraser Court, which is sheltered housing.

Morrison Link, to the east, is solely occupied by a hotel within a 5-storey, sandstone building.

The site is not within, but is immediately adjacent to both the West End Conservation Area, the boundary of which runs along the north side of Morrison Street, and the New Town Conservation Area, which has its boundary along the north side of Haymarket

Terrace. Likewise the site abuts the World Heritage Site, along Morrison Street, but does not lie within its confines.

2.2 Site History

5 November 2003 - Planning Permission was refused by the DQ Sub-Committee, contrary to officer recommendation, for the clearance of the existing car park and ancillary buildings to form a comprehensive redevelopment comprising retail, office, leisure, licensed premises, car parking and replacement public conveniences incorporating re-grading the site to adjacent street levels (application number: 02/03210/FUL). The development consisted of a seven storey office development over the site, with a major public arcade running west to east through the building,

The reasons for refusal related to:

- no positive contribution to the mixed use character of the surrounding area by failing to provide cultural or public uses;
- broad composition and detailed design is not of an appropriate quality and distinction;
- does not create new public spaces and points of interest;
- did not relate to the established character of the surrounding area; and
- did not address transportation infrastructure issues.

11 August 2004 - An application was recommended for approval at the DQ Sub-Committee for a comprehensive redevelopment comprising: retail, office, leisure, licensed premises, car parking and replacement public conveniences, proposals incorporate re-grading of the site to adjacent street levels. The application was referred to the Scottish Ministers and was subject to a Public Inquiry (application number: 04/00681/FUL).

31 July 2006 - Scottish Ministers granted planning permission following a Public Inquiry for the above development. (P-PP-75-96-LA-84).

27 August 2008 - An application was recommended for approval at the DM Sub-Committee for the demolition of existing buildings and structures, re-grading of the existing car park and a comprehensive redevelopment comprising hotels, offices, retail, commercial, leisure, public houses, restaurants, car parking and associated landscaping/public realm and utilities infrastructure (application number: 07/03848/FUL).

The application was called in by Scottish Ministers in order to consider the merits and impacts of the proposed development on the prominent gateway to the city centre, and on the city's skyline.

27 October 2009 - Scottish Ministers refused planning permission for the above development following a Public Inquiry.

The reasons for refusal related to:

- the 5 star landmark hotel failed to respect the grain and scale of the surrounding townscape; and
- the 5 star landmark hotel would not enhance the City's skyline and would not preserve the setting of the World Heritage Site or prominent listed buildings.

28 March 2011 - Planning permission was granted for the demolition of existing buildings and structures, re-grading of existing car park and comprehensive redevelopment comprising hotel, offices, retail, commercial, leisure, public houses, restaurants, car parking and associated landscaping/public realm and utilities infrastructure (application number: 10/02373/FUL).

7 December 2015 - Planning permission granted for amendment to approved mixed use development to enable Block C (Haymarket 3) to operate as a hotel and associated modifications to Block B (Haymarket 4) (application number: 14/03230/FUL).

31 May 2016- Listed building consent granted for alterations to existing boundary wall and associated erection of handrails.(application number: 16/01733/LBC).

14 June 2016- Planning permission granted subject to the conclusion of a legal agreement for Amendment to the detailed Planning Permission 10/02373/FUL to include revised car park layout, design amendments to H1, H2, H3, H4 AND H5, revised vehicular access arrangement, materials and hard and soft landscaping proposals. (application number: 16/01510/FUL).

Main report

3.1 Description Of The Proposal

The proposed application is for material alterations to the previous planning approval 10/02373/FUL for the development of a masterplan site.

The changes can be summarised as follows:

Building H1 - no changes proposed;

Building H2

- minimal reduction in length of this building;
- hotel entrance moved closer to Dalry Road;
- reception reconfigured and coffee shop introduced;
- increased active frontage to internal route;
- reduction of 5 windows facing the colonies.

Building H3

- pend removed;
- altered massing to the rear:
- use of H3 as a hotel with 190 bedrooms;
- roof parapet reduced by 1m;
- increased active frontage - reception and restaurant relocated to ground floor.

Building H4

- Pend removed - standalone building.

Building H5

- internal alterations that don't require permission;
- alteration to building frontage to south and realignment to street including infilling of the colonade.

Site Wide

- minor landscape alterations following the alteration of the footprint of H3 and H4;
- pavement alteration to Morrison Crescent.

Access arrangements are as previously proposed. Car park is retained at 52 underground parking spaces for the development including provision for electric vehicle charging points and motorcycle space. Provision for 391 cycle spaces will be provided across the site including spaces at surface.

The Service Strategy remains as per the consented masterplan. The provides service access within the internal streets with access from Morrison Street in a one way operation from 7pm to 7am daily. Outwith these hours, loading bays on Morrison Street and Morrison Link will be used. There is a dedicated service yard access for buildings H2 and H3 from Morrison Crescent. This is unaltered from the original permission.

Scheme 1

The form of the proposed hotel has been amended to reduce the height of building H3.

Supporting Information

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement;
- Landscape Design Statement;
- Planning Statement and Revision;
- Pre-application consultation report;
- Transport Statement; and
- Sustainability Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the development is acceptable in principle in terms of meeting the Council's objectives for the central area;
- b) the proposed layout, scale, design and materials are acceptable;
- c) the development has an adverse effect on the City's skyline;
- d) the development will have an adverse impact upon the World Heritage Site
- e) neighbouring listed buildings or the character and appearance of adjacent conservation areas;
- f) the development adversely affects neighbouring residential amenity;
- g) the development raises any implications for road or pedestrian safety
- h) representations raise issues to be addressed; and
- i) the proposals have any equalities or human rights aspects that need to be considered.

a) Principle of the Development

The principle of the development of this site was established when the consented masterplan application was determined. By virtue of work having commenced on site, the development is live. Policies in the Local Development Plan (LDP) continue to support the principle of the proposed development on the site. The application does not introduce any new material considerations in respect of this matter. The principle of the development of this site for this development is well established.

b) Scale, Design and Layout

Overall, the mass and scale of the five buildings remains largely as per the consented application (ref: 10/02373/FUL) with the exception of Building H3. The proposed design changes are considered for each building in turn:

Building H1

H1 is the largest of the office blocks, providing an important central building within the main body of the site. Its triangular footprint and accommodation of active retail/commercial uses on all three facades enables the block to interact in a positive way with the routes and spaces around the site. There are no proposed changes to this building from the consented scheme.

Building H2

H2 is located in the south-west corner of the site, set perpendicular to the Dalry Colonies. The building design will primarily reflect the architectural language of that already consented with some minor material changes to the principal elevation being acceptable. There is a small reduction in the length of this building which has no impact on the architectural language of the building. The reconfiguration of the building at ground floor level ensures an active frontage to the internal access route.

On the rear elevation, facing the Colonies, the upper level, previously finished in stone in the original permission, is now proposed to be clad in zinc. This is an appropriate

material and helps break up the solid mass of stone previously consented. This change was previously consented as part of application 16/01510/FUL. More planting is proposed to help screen the building to and from the Colonies. Other proposed alterations are minor in nature and acceptable.

Building H3

H3 is located at the edge of Morrison Crescent and is physically attached to building H2. This corner of the development has seen the greatest number of changes from the original scheme over the previous applications for material changes. However, this application returns this section of the site to the original masterplan layout and the separation between buildings H3 and H4.

The use of building H3 was office in the original permission with more recent permissions establishing a hotel on this site.

The greatest change to this building is the extension to the rear facing on to Morrison Crescent which has been altered by different material planning applications. The application now submitted proposes to alter this elevation from the original application by altering the form of the massing to reflect the use and function as hotel rooms.

The massing is generally consistent with the 2010 applications and the relationship to the colonies and the properties on Morrison Crescent. The overall massing of the block nearest to the colonies has been reduced during the course of this application and the overall dominance and scale of this element has been reduced. The use of stone and zinc at upper levels is already established on the site and are appropriate materials for this area. Overall the scale and design of these rear extensions is appropriate within this area.

Building H4

H4 is located facing onto Morrison Link. This proposal reflects the architectural language previously established on this building. There are no changes to the form and design of this building from the 2010 permission.

Building H5

The original design intent was for three distinct building elements. This approach is retained in the current proposals. The alterations to this building approved in subsequent applications are retained. These changes include the architectural composition and expression in terms of materiality. The new storey previously added to the circular element of the building is retained. This has no significant impact on the overall design or on the surrounding built environment.

The additional changes introduced to this relate to further minor façade alterations at street level. These changes are acceptable and do no impact on the design integrity of the building.

Overall, the scale, design and material proposed are acceptable.

Public Realm

The public realm remains largely as consented with a main street, secondary street and three platform spaces designed to maximise pedestrian use and integration. These platforms create informal break out spaces. Informal planting is used to enhance the spaces and along Morrison Street as a buffer between the site and the traffic. The palette of materials proposed is acceptable consisting of high quality materials.

c) Skyline

A full assessment of the impact of the proposed development on the City's skyline was undertaken when the previous application (ref:10/02373/FUL) was determined. This concluded that there would be not be any adverse impact on the skyline. There are no alterations to the overall heights approved as part of the changes granted permission under application 16/01510/FUL.

The current proposals will have no adverse impact on the city skyline.

d) Impact on historic environment

A full assessment was undertaken in relation to the impact of the proposed development on the World Heritage Site, adjacent listed building and the adjacent Conservation Areas when the previous application (10/02373/FUL) was determined. This concluded that the proposed development would not have a detrimental impact in terms of the historic environment. The overall scale, mass and form of the proposed development remains consistent with the principles established in the original permission and subsequent alterations and is considered to have no adverse impact on the surrounding historic environment.

The site was identified as being within an area of archaeological significance and as a consequence a condition was imposed on the previous consent requiring a programme of archaeological work in accordance with a written scheme of investigation. Although various elements have been undertaken to date not all of the required archaeological mitigation has been undertaken/completed. Accordingly a condition is attached to this application to ensure the completion of the overall archaeological mitigation strategy for the site.

e) Neighbouring residential amenity

A full assessment of the proposed development was undertaken in terms of its impact on daylighting, sunlight, overshadowing and privacy. This concluded that there would not be any detrimental effect on neighbouring residential amenity.

The amendments to H3 retain the physical separation between the rear blocks and the colony properties. Windows are orientated to face to the north away from a direct interactions with the colonies. The number of windows in the elevation facing on to Morrison Crescent have been reduced since the 2010 application.

In terms of noise, the previous application for the wider Haymarket site (ref; 10/02373/FUL) was granted consent subject to a number of conditions relating to noise mitigation measures. Relevant conditions are proposed should consent be granted to

ensure appropriate noise mitigation measures are implemented to safeguard the amenity of residents in the colonies which are in close proximity to the site. An informative is also recommended to ensure the developer is made aware that further implementation of noise mitigation measures may be necessary should complaints from residents arise.

The proposals will not have any detrimental impact on the amenity of neighbouring properties.

f) Road and Pedestrian Safety

Parking

The proposals would result in a significant reduction in the number of parking spaces provided. A total of 52 car parking spaces are proposed within the basement level of the site. The limited parking and the provision of cycle parking and city car cub spaces are acceptable. A condition is proposed to ensure that the 397 cycle parking spaces are provided, the current proposals show 391.

Site Access & Servicing

Site access and servicing would be restricted as per the previous consented scheme, allowing adequate provision for the proposed uses. A number of comments have raised concerns with regards to the service yard. This is retained as per the previous refusals on the site. However, the access point from Dalry Road in to the site has been removed from the proposals, which has a positive impact on the use of the space for pedestrians.

There are no road safety/ parking issues arising from the proposed changes.

g) Public Comments

Letters of Representation

- building H3 fails to respect to the relationship to the listed colonies contrary to Policy ENV3; addressed in 3.3b) and 3.3 d);
- materials of H3 unacceptable; addressed in 3.3 b);
- concern about view and operation of service yard, provision of acoustic screening; addressed in 3.3 f).
- adverse impact of delivery hours; addressed in 3.3f);
- reduction in the quality and provision of public space and landscaping; addressed in 3.3b).
- building H2 has deteriorated in quality; addressed in 3.3 b);
- conflict of number of vehicles using the pedestrianised area: addressed in 3.3 b) and 3.3 f)
- adverse impact on the conservation area contrary to policy ENV 6; addressed in 3.3d).

Scheme 2 Additional Material Comments Submitted

- reduction in height of H3 welcome but still unacceptable in terms of materials, height and design; addressed in 3.3b) and 3.3d).

- impact on residential amenity to the colonies and Morrison Crescent; addressed in 3.3 e).
- parking issues within the area; addressed in in 3.3f).

Support

- provision of good public realm enhances the area and mental health.

Non- Material

- fire brigade access to the Colonies. - there are no proposed alterations to the road network within the colonies that would restrict fire brigade access.

Non- Material

- Request that a CGI prepared specifically from 6 McLaren Terrace - a number of CGIs have been prepared and additional views have been submitted following the revisions to H3. Sufficient information has been submitted to determine the application.

h) Equalities and Human Rights

The proposed development will create an environment with improved public realm and will offer good access to transport and public places. It will provide job opportunities and training. The proposals will have a positive impact in respect of rights.

The development will be accessible for people disadvantaged by age, disabilities or pregnancy/maternity requirements in accordance with current standards. The proposals will have a positive impact in respect of equalities.

CONCLUSION

A legal agreement has previously been concluded on this site and this will be amended as necessary to reflect the alterations as part of this application.

The proposed mixed use development remains consistent with the objectives for the redevelopment for this part of the city and is supported by the development plan. The proposed changes are appropriate to the context in terms of design, scale and materials and would have no adverse impact on the historic environment. There will be no impact on existing residential amenity, and there will be positive improvements on the previous consent in terms of road and pedestrian safety throughout the site. There are no material considerations which out weigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

1. No development shall take place on the site until the applicant has secured the implementation of the programme of archaeological work (excavation, reporting and analysis) in accordance with the agreed written scheme of investigation submitted by the applicant and approved by the Planning Authority.

2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. A landscape management plan, including tree replanting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; the approved plan shall be implemented within 6 months of the completion of the development.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
5. The hotel and class 3 kitchens shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises as agreed by the Council, as planning authority.
6. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
7. Prior to the commencement of work on each building, a detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Council, as planning authority. Thereafter, sample panels of the materials are to be erected and maintained on site as agreed by the Council, as planning authority.
8. Prior to the occupation of the first office building, details of measures to control parking and waiting within the site shall be submitted to and agreed in writing by the Council, as planning authority. Thereafter the agreed measures shall be implemented in full within an agreed timescale.
9. Prior to the occupation of the first phase of the development a management plan for the restriction of traffic entering the site from Morrison Street shall be submitted and approved by the Council, as planning authority, this shall include any physical measures required to restrict traffic from entering the site and hours when vehicles will be permitted onto the route. Any further alterations to the approved management plan shall be agreed with the Council, as planning authority.

10. Prior to the occupation of the last building within the development a plan shall be submitted to the Planning Authority demonstrating that the total number of 397 cycle parking spaces have been delivered on the site.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In order to ensure that the approved landscaping works are properly established on site.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
7. In order to enable the Planning Authority to consider this/these matter/s in detail.
8. In order to enable the Planning Authority to consider this/these matter/s in detail.
9. In order to safeguard the interests of road safety.
10. In the interest of delivering appropriate sustainable transport alternatives.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded including a review of the provisions of the previous legal agreement and updates as required.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

3. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

4. All music and vocals, amplified or otherwise, shall be controlled as to be inaudible within any neighbouring premises

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

A total of 49 letters of representation have been submitted to the proposed development. The proposals were renotified following the amendments to the scheme. Comments were received from the West End Community Council and the Dalry Colonies Residents' Associations. The comments are available to view on the Planning and Building Standards Online Services.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The application site is identified in the Local Development Plan as being in the City Centre.

Date registered

16 February 2018

Drawing numbers/Scheme

1- 4, 5a, 6, 7, 8a, 9- 48, 49a, 50, 51a- 55a, 56, 57, 58a,, 59- 90, 91a,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Elaine Campbell, Team Manager

E-mail:elaine.campbell@edinburgh.gov.uk Tel:0131 529 3612

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The West End Conservation Area Character Appraisal emphasises that the area is characterised by mixed, residential commercial buildings. The central section of the conservation area is a major modern financial area consisting of modern offices. The Georgian and Victorian tenements within the area are mainly 4-6 storeys, and constructed of stone with pitched, slated roofs.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

Application for Planning Permission 18/00715/FUL At 189 Morrison Street, Edinburgh, EH3 8DN. Amendment to 10/02373/FUL to enable changes to buildings H1, H2, H3, H4 & H5 (as amended).

Consultations

West End Community Council - response dated 26/03/2018

Planning Application Ref: 18/00715/FUL The Haymarket, 189 Morrison Street

In its capacity as consultee, the West End Community Council submits the following:

Comments in support of the proposals:

1 Removal of the connecting section between Blocks H3 and H4

We are generally supportive of this re-instatement of the "open street". It should reduce any possible wind tunnel effect created by the former pend design.

2 Transport:

We support the proposals in general. The arrangements for servicing, deliveries and the associated timings are welcomed.

3 Materials:

We appreciate the widespread use of sandstone on most of the buildings, e.g. H2, H3, H4, but regret the unimaginative expanse of glazing on H5 as seen from Dalry Road. (Ref: View 3, 4.10.1)

The use of wood (reclaimed sleepers?) on the bench surfaces meets with approval. Ref: 6.5.4

Concerns:

1 Public Realm

Seating provision remains a concern. The benches on The Northern Line and The Southern Line are not older generation user-friendly. The cutaway profiles may in some cases "assist elderly to stand" as claimed (Ref: 6.6.4), but seats with arm rests would be much more helpful. None of the benches appear to have backs to lend support. Some disabled people also find bench seating difficult to use, height being an important factor.

The WECC submission of 15.04.2016 and the CEC "City for All Ages" policy do not seem to have been given much consideration.

Residents hope that the area in the centre of the site, not time-tabled for Phase 1 of construction, will be given temporary greening.

Although the street furniture designs are acceptable, e.g. litter bins, the use of cast iron, e.g. for handrails, would have been more appropriate on this former railway site and would support local industry. (Ref: 5, Part 4)

2 Landscape Design

Planting:

Regarding the plants for ground cover, Geranium Rozanne and Geranium Wargrave Pink have been suggested. These flower over a much longer period than Astilbe (which prefers very damp soil) and will tolerate most soil conditions. Ref: 6.7.2

Perouskia is mentioned but likes a sheltered spot in Scotland. Nepeta (Cat mint) is more robust and very bee friendly. For the bulb planting, Narcissus Thalia to complement the Galanthus S Arnott is suggested.

Art work:

Green Spaces and monuments are a characteristic of Edinburgh. Edinburgh policy has talked of incorporating public art to "add to the visual interest and quality of Central Edinburgh".

The Haymarket Goods Yard is an important relic of Edinburgh's industrial past. It is often forgotten that Edinburgh is Scotland's second city in terms of industry and transport. A culturally substantial sculpture or railway history mosaic might be appropriate.

(This comment is quoted from an early WECC representation on the Haymarket development. Recent planning application amendments seem to have lost sight of this cultural aspect and previous worthwhile ideas have been abandoned.)

3 Public Toilet Provision

There is a legal obligation on the sale of this site, that public toilets be provided to replace those demolished on Morrison Street corner. It is unclear what is proposed as a replacement facility. Considering the general loss of provision in the City Centre, this is of concern to residents, tourists, commuters and sports fans. (It is worth reminding developers that access to the Haymarket Station facility, beyond the platform barrier, requires one to buy a train ticket.)

Provision should be free and adequate to cope with the demands of events such as football and rugby matches, concerts etc. Location is important for the safety of women, children and babies. Signage will be required.

4 Amenity - Change to H3 massing to the south west

The changed design might adversely affect the amenity of the end section of the Dalry Colonies by increasing overlooking and light pollution. We assume that the finalised window design will consider this issue (e.g. by introducing automatic lighting control/blinds?).

We trust that the above comments will be considered material and will be taken into consideration.

Further Comment following revisions

The changes proposed to the massing, materials and design of the south west wing of H3 in the May revisions meet with approval.

The comments and concerns submitted in the last consultation remain (detailed above).

Roads Transport

No objections to the application subject to the following being included as conditions or informatives as appropriate:

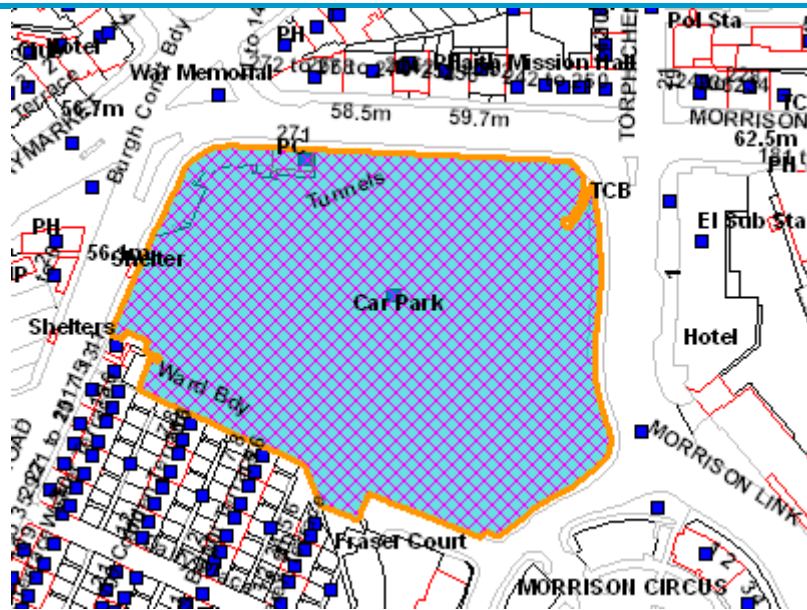
- 1. The Council's 2017 Parking Standards requires the applicant to provide a minimum of 397 secure cycle parking. The applicant's provision of 391 spaces is 6 spaces less than the minimum required by the Council's 2017 parking standards.*
- 2. The Council's 2017 Parking Standards requires 4 of the 52 parking spaces to be disabled parking spaces.*

Note:

The transport strategy for the proposed development is all as per the previously consented application (16/01510/FUL). The transport changes being brought forward as part of this application is:

- a. Reduction in parking numbers from 53 to 52.
The Council's 2017 parking standards for the proposed development allows a maximum provision of 240 parking spaces in Zone 1. The reduction in parking provision is considered acceptable because the area is highly accessible by public transport.*
- b. It is also estimated that the proposed changes will lead to decrease number of trips to be generated by the development.*
- c. Tram contribution as per the 10/02373/FUL consented application.*

Location Plan



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